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SELECTIONS

FROM

SPEECHES OF EARL RUSSELL

1817 TO 1841

AND FROM

DESPATCHES

1859 TO 1865.

27439 a
A1084

WITH INTRODUCTIONS.

IN TWO VOLUMES.

VOL. II.

RRC 73

LONDON:
LONGMANS, GREEN, AND CO.
1870.

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Rus/Sel
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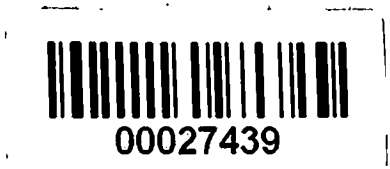

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SPEECHES.

(*Continued.*)

GOVERNMENT OF IRELAND.

April 15, 1839.

Lord John Russell spoke to the following effect:—Mr. Speaker, On March 21 the House of Lords were pleased to resolve to appoint a Select Committee to inquire 'into the state of Ireland since the year 1835, with respect to crime and outrage, which render life and property insecure in that part of the empire.' Sir, I thought it my duty on the very next day to state the view which I took of that resolution of the House of Lords, and to say that I should ask for an expression of the opinion of this House on the administration of affairs in Ireland. With respect to the importance of the Motion, both to Ireland and to the United Kingdom, it is quite unnecessary that I should say anything. With regard to the anxiety which I feel on the subject of the Motion which I am now to make, it is impossible that I can adequately express my feelings. I shall therefore proceed at once to state my views of the resolution of the House of Lords, and of the Amendment of which notice has been given by the right hon. Gentleman opposite. There are some points in that Amendment which perhaps it is necessary that I should notice before I go into the main subject of discussion. A part of that Amendment says, that the expression of opinion called for

now is only an expression of opinion on one part of the policy of the executive Government. Sir, the reason why it is proposed to ask for an opinion on one part of the policy of the executive Government is, because it is that part of their policy alone upon which a Resolution has been entered on the journals of the House of Lords. Let the House of Lords, if they should so think fit, carry a vote of censure with respect to other parts of the policy of her Majesty's Government, and I should then equally think, that it was impossible for us to remain in the conduct of affairs, unless we felt assured of the confidence of this House in respect to the course we have pursued. If the House of Peers please to censure the conduct of the Executive in England I shall be ready to meet them on that question. With respect to colonial affairs, there are legislative measures, some of which have been already under the attention of this House, and others will be brought forward for consideration. With respect to foreign affairs, I am sure that my noble Friend, the Secretary of State for Foreign Affairs, if they should think fit to choose that field of discussion, will not feel afraid to encounter them on it. If it be made a matter of charge against us, that in the affairs of Belgium we are about to bring to a close long and difficult negotiations, which threatened at one time the peace of Europe, I think we should be able to vindicate ourselves against such a charge. If it be imputed to us, that British interests have been entirely neglected in the contest between France and Mexico, I think my noble Friend will be able to furnish a sufficient reply. If the affairs belonging to the department of my right hon. Friend, the President of the Board of Control, be made the subject of attack, I think we shall be able to meet accusations on that subject likewise, and while we shall be able to show, that we have not been neglectful of British interests in India, or inattentive

to any dangers that might have threatened those interests —that we have, I trust, succeeded in avoiding the dangers of a war between this and any of the principal powers of Europe. We shall wait until these charges are brought forward—before we shall think it necessary to bring those subjects under the consideration of the House. But it is not from any fear, or from any apprehension, that with regard to any of these subjects the conduct of the executive Government has tended to expose the interests of this great country to peril, or to have stained the name of the empire with dishonour, that we do not bring them under the notice of the House. Sir, it has pleased those who condemn the conduct of the Government to take other ground. I submit, in the first place, that this resolution of the House of Lords is such, that it is incumbent upon this House to express an opinion one way or the other. I do not say at present, that it may not have been perfectly right in the House of Lords to appoint such a committee —that the state of danger, and insecurity of life and property, caused by misgovernment in that part of the United Kingdom, may not have rendered it necessary for the House of Lords to appoint such a committee; but I do say, and it is scarcely possible for any man to deny, that that Motion does convey a vote of censure on the Government; for no man can read even the terms of that resolution, appointing the particular date at which the inquiry is to commence, and ending with the words, 'render life and property insecure in that part of the kingdom,' without saying that the plain conclusion intended to be drawn is, that it is the conduct of the administration which has thus exposed life and property to peril in Ireland. But if we were in any doubt what to think, it is to be recollected, that the House of Lords—which by the way seems to be particularly favourable to breaches of privilege of this kind —has allowed to be circulated throughout the country

what purports to be the debate in the House of Lords on this Motion; and the debate thus circulated contains nothing but accusations. It is a tenth repetition of accusations and charges of improper exercise of the prerogative of mercy and want of vigour in the administration of the law. It contains charges of almost every species of negligence, if not criminality, of which a Lord-lieutenant of Ireland can be culpable. And, Sir, let it be recollected that the very name of the Mover himself is calculated to excite suspicion in Ireland of the censure intended to be conveyed. When we know the officer in command, we can have little doubt of the colour of the flag. Let it be remembered likewise, that as soon as the account of this vote came to Ireland, it was spread everywhere by the usual organs of the party to which the noble Lord belongs, and who entertain his views, that the House of Lords had passed a vote of censure on her Majesty's Government. Then, I submit with respect to a subject upon which the people of Ireland are sensitively alive—with respect to a subject upon which great anxiety is naturally felt—would it be possible for us to allow an impression to go forth, that such a vote of censure had been agreed to without endeavouring, by submitting some Motion to this House, to ascertain whether the two Houses of Parliament were agreed upon that subject? One noble and learned Friend of mine is reported to have said, that the motion was a *primâ facie* vote of censure. I entirely concur in that description of the vote; and it was not possible for the Government to pass by without notice a *primâ facie* vote of censure by the Lords any more than it would be possible, if a Motion were submitted to the House for going into a Committee of the whole House on the state of the nation—to disregard the adoption of such a proposition, to which a certain character has always been attached by the House and the country at large. I am aware, that the words of

the Motion were framed with so much art, that it was possible to say to some persons inclined to vote for it, that it did not convey censure, but merely proposed inquiry into crime. But while that takes away from the candour of the proceeding, it takes off nothing from the bitterness of the accusation. If I am right in what I now state, it is not sufficient for the House to adopt a long and elaborate 'previous question' in the form in which the right hon. Gentleman proposes it. I say, moreover, that the previous question is rather weakened than strengthened by the arguments introduced into the preamble by way of supporting it. Reference is made in it to returns ordered by this House. When those returns were moved for, my noble Friend near me (Lord Morpeth) said, he thought them not of an unusual character; but that he would himself move for other returns not confined to the period from the year 1835 to this time; but returns for other years, so that the Motion would have no invidious character as applied to that particular period. My noble Friend moved likewise the introduction of certain words of caution, respecting part of the information, provided it were consistent with the public service and the due administration of justice. These returns were ordered with the consent of the Government, and without implying in any manner, or in any degree, censure on the Government by which they were granted. But it is widely different where a committee is named to enter into an inquiry with regard to a particular period only, and with none of the restraints which this House might deem it advisable to circumscribe it with. But if it be right and proper to have an inquiry instituted into the government of Ireland since 1835, why, let me ask, was not the Motion made in this House? This House is the proper House of Parliament in which, according to the forms and spirit of the constitution, such an inquiry should be demanded. I ask then if there is any

proceeding of a criminatory character to be instituted, why do not its authors move for an inquiry in the House of Commons, and require the House of Commons to give an opinion on the propriety of the conduct inculpated? I ask those who are in favour of this inquiry; those who have told us year after year since 1835, that the Irish Government was unworthy of confidence—as favouring outrage and almost encouraging murder—I ask them why they did not think fit to make in this House a Motion of inquiry, instead of confining themselves to a Motion for papers? They made no such Motion however, and I can only conclude from their not thinking it essential that this House should come to a decision on the question, that not expecting to have a majority in this House in favour of an inquiry, and not being able to carry a vote of censure here, they determined to transfer to the other House of Parliament a proceeding by which a slur would be cast on the character of the Government. Now, against that proceeding I protest, and if I were one of those who think the inquiry necessary, I should equally protest against it, and equally say—if the Government of Lord Normanby has been most mischievous and most injurious, let not the Members of the House of Commons refuse to pronounce an opinion upon it, let them not abdicate the right of the House of Commons to inquire—let them not abandon the ancient practice of the House of Commons to censure and control Governments which require censure and control—let them not consent to pass in silence the misgovernment which is complained of—but let them pronounce whether inquiry be necessary, and whether the Government deserve the censure which the House of Lords has affixed to its proceedings. So much in reference to the proposal to stifle this motion by a previous question. But if this House pronounce an opinion favourable to the policy of the Government, it is said, that it will interfere with the undoubted

rights of the House of Lords. Now, I think it necessary to ask the House to pause a little, and consider, not what is the theory, not what is the bare right, but what is the usual and has been I think the necessary practice of the constitution. With respect to legislation, it is the undoubted right of the House of Lords to reject any bill that may be sent up from this House. But if that right were carried to an extreme; if, for instance, they were to reject the Consolidated Fund Bill, which has been this day before the House, the whole country would be thrown into confusion. Or if at the commencement of a war, the supplies voted by this House were, in consequence of the Lords disapproving of the war, rejected by them, although it would be the undoubted right of the House of Lords to do so, yet it would be impossible, that the country and this House should rest satisfied with such a decision. So far as to the right of legislation. What, then, is the practical conclusion and understanding to which all parties have come, for a long period, with respect to the subject? It is this—that if a bill were sent up from this House, of a very important nature, with regard to which there are considerable numbers of persons both on the one side and the other, and in favour of which there was only a small majority, the House of Lords might properly say, 'It appears that the Representatives of the people are very nearly divided on the subject. We do not think that the country has made up its mind to this change. Let it be considered another year, and let us know whether it be a change called for by general opinion.' If a bill, however, were sent from this House repeatedly by large majorities, declaring the sense of the country, then I think it usual for the House of Lords, even though holding an opinion against the bill, and having an abstract right to reject it at once, to exercise a wise discretion, and say, 'We will not oppose the general sense of the country, re-

peatedly expressed, but we will confirm the opinion of the House of Commons, though in the abstract it differs from our own.' But, Sir, with respect to the executive Government, the case is somewhat different. Upon a matter of legislation the two Houses might remain at variance for a considerable time without any great evil happening to the country. At the same time there are exceptions even to that. There have been exceptions of so grave a nature that at one time, when the opposition was extreme, Lord Grey's Government, with all but the unanimous consent of the Cabinet, did advise so large a creation of Peers as would have overwhelmed the independent voice of the House of Lords. Be that as it may, it is clear that with respect to the Executive, such differences of opinion cannot be tolerated. You must conduct the Government on one plan or the other. You cannot have Ireland at once governed on the principles of Lord Haddington and of Lord Mulgrave. You cannot have the affairs of this country conducted according to the opinion of the right hon. Gentleman opposite, and according to the opinion of Lord Melbourne. It is quite necessary, that one line or the other should be taken. The only question on this occasion is, whether or not the House of Commons is prepared to say, that the House of Lords, having expressed its sense with respect to the executive Government, the House of Commons entertains the same opinion: or not entertaining the same opinion, are willing that the executive Government should in future be conducted according to the sense of the House of Lords. Now, I beg to remind the House that this has not hitherto been the case, and that, in general, the House of Commons has insisted on the Government being conducted agreeably to its opinions. It is quite true, that for a long period, owing to the corruption of this House, to the influence exercised over it by the Crown, and by individual Members of the House

of Lords, there was no positive difference of opinion. But in former days, there were differences of opinion, and this House did not scruple to declare its opinion on such subjects, in opposition to the opinion of the Lords. At an early period of the last century there was a difference of opinion with regard to some persons concerned in a conspiracy for bringing in the Pretender; and in the opinion of the House of Lords, that conspiracy was rather favoured than otherwise by the Government. The House of Lords thought, that no sufficient means were taken to discover, pursue, and punish the persons engaged in the conspiracy, and they accordingly took the matter into their own hands, and decided on making their own examination. This House immediately protested against it, and this was the language they used in an address to the Crown:—

'Your faithful Commons believe the administration of the government best secured when it is left to your Majesty, with whom the law has entrusted it, and have so firm a dependence upon your Majesty's affection to your people, and your great wisdom, that they can never apprehend the least danger from any conspiracy, when the examination thereof is under your Majesty's direction. Your faithful Commons do, therefore, most earnestly desire your Majesty to suffer no diminution of that prerogative, which during your Majesty's reign they are confident will always be exerted for the good of your people.'

Not many years afterwards, a resolution passed the House of Lords, declaring:—

'That no peace can be honourable or safe for her Majesty and her allies if Spain, and the Spanish West Indies be suffered to continue in the possession of the House of Bourbon.'

The House of Commons were of a different opinion. At that time the Crown finding that the two Houses were

not in harmony, took measures to make them so. [*Sir James Graham*: by a creation of twelve Peers.] Yes; as the right hon. Baronet says, by a creation of Peers; but it so happened at that time, that the prerogative had been exerted with so much sobriety, that the creation of twelve Peers was sufficient to give the Ministry a majority. That certainly has not been the sobriety of later times. Sir, I have no objection, if it were proper at this time, to enter into that question; but, certainly, I think that one of the greatest evils caused by the Ministry which came into power in 1784 was, that it altogether altered the character of the House of Peers. I stated this opinion so long ago as 1822, on bringing forward the question of Parliamentary Reform, and I have not seen any reason to change it. Sir, I was proceeding to state that for a considerable time, owing, as I think, to a defect in the representative system, the House of Lords and the House of Commons were without any great difference. But after Lord Grey and his colleagues were entrusted by his late Majesty with the administration of affairs, it very soon happened, that with respect to a question of executive government—the policy of the Government with respect to Portugal—a difference of opinion did arise. The House of Lords assented to an Address to his Majesty, in fact, disputing and disapproving of the conduct of this House. What was the result? An hon. Member, an hon. and gallant Friend of mine, immediately asked the opinion of this House—he asked, whether this House agreed with the House of Lords, or whether it agreed with him in supporting the policy of the Administration. That was a just and proper course; for you cannot have the policy of the Executive carried on according to the opinion of the House of Commons, and also according to an adverse opinion of the House of Lords; when they differ, you must follow the opinion of one or the other. In my view the

opinion of the House of Commons ought to be expressed on a subject of so great an importance as the practical government of Ireland, and if the opinion of the House of Commons differ from the opinion of the House of Lords, according to the practice of the constitution of this country, according to the power vested in the House of Commons, the opinion of the House of Commons ought to prevail.

Sir, I have hitherto stated the reason why I think the House of Commons ought to express an opinion on this subject. I have not stated anything inconsistent with their entertaining an opinion similar to that which has been entertained by the House of Lords. I have not stated anything inconsistent with their coming to a Resolution, if they so think fit, either instituting an inquiry themselves, or passing a more direct vote of censure on the conduct of the Administration in Ireland. All I have urged, and what I think I am entitled to ask, is that this House should pronounce an opinion, one way or the other, upon this subject. If they pronounce it either way, they will still maintain their character and their dignity as a House of Commons. But if they pass the Resolution of the right hon. Baronet opposite, if they say that they will wait either till the end of this year, or perhaps till the end of the next year, when the House of Lords shall have been pleased to examine into all the cases of the exercise of the prerogative of mercy, into every crime tried at Kilkenny or Armagh, and to pronounce an opinion upon them, and that this House will wait silently and quietly, leaving the Government to be crippled and enfeebled by a vote of the House of Lords, without pronouncing any opinion one way or the other, then the degradation of the House of Commons will from that day be complete. Now, Sir, I come to that which is no doubt the important question, upon which this House, if they agree with me so far, ought to decide, and on which I

fear I must trouble them at considerable length, and with much detail. We are resolved to bring before them our whole policy in Ireland, in order that the House and the country may know what at least have been our views with regard to the state of Ireland, that they may not be led away by partial statements with respect to the outrages and crimes which have taken place—that they may not conclude from the words of this Resolution of the House of Lords that outrages and crime have so prevailed because the administration of the Government has been in the hands of men of liberal inclinations, and of liberal policy—but that they may see to what are owing the crime and outrage that have existed in Ireland—to what it is owing that at the present time crime and outrage have not been wholly repressed, but that there still remain evils, the seeds of which were sown in other days, and which require not four years but forty years to be successfully eradicated. I will go back for this purpose to the commencement of the reign of George III. In the commencement of that reign I find accounts of attacks upon houses; of persons going about armed, forcing others to give up land; of persons going about disguised at night; of witnesses being threatened; of force being used, and combined force, in order to carry into effect the objects which the conspirators had in view. Now this state of things, lawless and turbulent as it was, was not very greatly different from the situation in which other countries have been—not very greatly different from the state in which this country is represented to have been, in the early part of the reign of Elizabeth. Neither was it exceedingly different from the state in which Scotland was represented by one of the ablest of her sons to have been at the period of the Revolution of 1688. There was nothing in the circumstances of those periods to which the wisdom of the ministers of Elizabeth and the wisdom of the ministers of William III. was not capable of applying a remedy. Is

there anything in the nature of the Irish people which forbids that outrage and crime should be successfully met, and a remedy effectively applied? I think no one can deny that looking at the upper classes of society, no men have shown greater talent, greater pregnancy of wit, or greater aptitude for the pursuits of arts and arms than the people of Ireland. As to the lower classes, whether we view them as soldiers in the service of their country—or workmen in the various departments of labour—no men have been more remarkable for valour or industry, or have evinced more of the qualities by which a country can rise to eminence. There is nothing, then, in the character of the people themselves which forbids us to hope that the evils of their condition should be successfully met and overcome. But what was the disposition of those who had to legislate for this people? How did power and property treat the evils of 1761? It is useful that I should state this; it is proper that the House should know of it, because hon. Members are aware how much the Marquess of Normanby has been condemned for declaring that 'property has its duties as well as its rights;' and that it is 'the neglect of those duties in past times, which has led to much of the misery of the present time.' I wish to read upon this point the opinion delivered in 1787 of Mr. Fitzgibbon—afterwards Lord Clare—one who, it must be admitted, was not too much addicted to popular rights, and who afterwards, was a great leader in the Tory Government of Ireland. He proceeded, after alluding to the attempts of the people to raise the price of labour, as follows:—

'At last they proceeded to regulate the price of land, to raise the price of labour, and to oppose the collection of the hearth-money and other taxes. I am very well acquainted with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know

that the unhappy tenantry are ground to powder by relentless landlords. I know that far from being able to give the clergy their just dues, they have not food or raiment for themselves; the landlord grasps the whole, and, sorry am I to add, that, not satisfied with the present extortion, some landlords have been so base as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distresses of the tenantry, but that they might add the clergy's share to the cruel rack-rents already paid.'

That was the character given of the landlords by Mr. Fitzgibbon, as the Attorney-general. I should like to know what he would have said, if he had been told that it was not competent for him to express the simple opinion that 'property has its duties as well as its rights.' What would he have said if he had been told that it was not competent for him to allude even to the landlords of past times? I have now to quote another description of the state of the country, and the cause why it was not remedied. It is from the work and letters of Arthur Young, who, writing in 1772, says:—

'The age has improved so much in humanity, that even the poor Irish have experienced its influence, and are every day treated better and better; but still the remnant of the old manners, the abominable distinction of religion united with the oppressive conduct of the little country gentlemen, or rather vermin of the kingdom, who never were out of it, altogether still bear, say hard, on the poor people, and subject them to situations more mortifying than we ever behold in England. The landlord of an Irish estate inhabited by Roman Catholics is a sort of despot, who yields obedience, in whatever concerns the poor, to no law but that of his will. To discover what the liberty of a people is, we must live among them, and not look for it in the statutes of the realm: the language

of the written law may be that of liberty, but the situation of the poor may speak no language but that of slavery. There is too much of this contradiction in Ireland; a long series of oppressions, aided by many very ill-judged laws, have brought landlords into a habit of exercising a very lofty superiority, and their vassals into that of an almost unlimited submission. A landlord in Ireland can scarcely invent an order which a servant, labourer, or cotter, dares refuse to execute. Nothing satisfies him but unlimited submission. Disrespect, or anything tending towards sauciness, he may punish with his cane or his horsewhip with the most perfect security. A poor man would have his bones broken if he offered to lift his hand in his own defence.'

This is the description, in very plain and humble terms, of the then condition of the peasantry. I shall take another description on this matter from a writer of a higher class, of far deeper philosophy, of commanding eloquence. The extract is from Burke, who, in writing to Sir Hercules Langrishe, with respect to Ireland, observes:—

'You, who have looked deeply into the spirit of the popery laws, must be perfectly sensible that a great part of the present mischief which we abhor in common (if it at all exists) has arisen from them. Their declared object was to reduce the Catholics of Ireland to a miserable populace, without property, without estimation, without education. The professed object was to deprive the few men who, in spite of those laws, might hold or obtain any property amongst them, of all sort of influence or authority over the rest: they divided the nation into two distinct bodies, without common interest, sympathy, or connection. One of these bodies was to possess all the franchises, all the property, all the education; the other was to be composed of drawers of water and cutters of

turf for them. ...Are we to be astonished when by the efforts of so much violence in conquest, and so much policy in regulation, continued without intermission for near one hundred years, we had reduced them to a mob; whenever they came to act at all, many of them would act exactly like a mob, without temper, measure, or foresight?'

This is an extract which shows, I think, most plainly and most truly, what was the condition of Ireland at that time. Here then was the period for the Legislature to commence its work. It is my belief, that if at that time measures had been passed putting the Roman Catholics upon an equality with the Protestants, making the spirit of justice pervade the laws of the realm—and if at the same time there had been done that which we have lately been endeavouring to do, if there had been passed a law in the spirit of the law of Elizabeth, for the sustenance of the poor, we should not now have to regret the state of Ireland in respect to crime and outrage. That was the time, in my opinion, when great good might have been accomplished, when great influence might with certainty have been exercised for the advantage of Ireland, and future evils prevented. What, however, was done at the time? Laws of coercion and punishment were passed. The first law passed respecting Whiteboys was in the year 1766. By that law severe penalties were awarded. The next Whiteboy Act was in the year 1775, and that Act recounts those disorders which the former Act was intended to suppress. It declares, in the preamble, that

'It has frequently happened of late years in different parts of this kingdom, that several persons calling themselves Whiteboys, and others, as well by night as in the day time, have in a riotous, tumultuous, and disorderly manner assembled together, and have abused and

injured the persons, habitations, and properties of many of his Majesty's loyal and faithful subjects, and have taken away and carried away their horses and arms, and have compelled them to surrender up, quit and leave their habitations, farms, and places of abode; and have forced them with threats and promises to join them in such their mischievous and iniquitous proceedings; and have also sent threatening and incendiary letters to several persons, to the great terror of his Majesty's peaceable subjects.'

There were many capital felonies in that Act; but it is not only in the capital felonies that you see the spirit of that law; it is shown in other respects: if a person were out of doors in a garb which was not his usual garb, if he were out at hours of the night at which it was not usual for him to be in the pursuit of his lawful occupation, he was subjected to fine and imprisonment. Such was the spirit of that law. Such, too, was the spirit in which succeeding laws were passed. The statute book is full of these laws, and of Insurrection Acts, and of the Suspension of the Habeas Corpus Act, and of various other Acts, all tending to punish Whiteboy outrages, and all using the utmost severity against the poor, and all taking care to pursue crimes with penalties, but I can find none providing permanently for the welfare of the people. I can find none admitting the Irish Catholics to be treated as the free subjects of a free country—none speaking in the spirit of mercy or in the language of conciliation. I shall now show the consequence of these proceedings. I do not mean, however, to go through the dreadful evidence of crimes, of murders, of insurrections — matters that cannot be denied, and which prevailed in Ireland in the years 1796, 1798, and 1803. I shall not go into the detail of those outrages; nor shall I go through the catalogue of all the laws of a penal character that have been tried from time to time for the suppression of those crimes. I

wish to call your consideration to this point. The date of the principal Whiteboy Act was 1775, and I wish you to consider what occurred from that period up to the time of 1824 and 1825. In those fifty years there happened more remarkable revolutions than in any other similar portion of the history of the world. In France, an ancient monarchy was overthrown—a bloody and restless republic took its place—a military despotism was created, and the ancient dynasty was again restored. Almost every country in Europe had seen its throne abandoned, or its possessors changed. They had seen their institutions altered; they had seen foreign conquerors in their capitals, and they had all beheld the changes of a violent revolution. The persons living in these times, might be likened to the pilgrim in the ruins of Rome.

'The pilgrim oft
At dead of night, 'mid his orison, hears,
Aghast, the voice of time, disparting towers,
Tumbling all precipitate, down-dashed.'

Such were the changes on the Continent of Europe. Here we had no foreign invaders, thanks to the mercy of Providence, nor was there any change of dynasty; but there had been changes in the constitution—there was an immense increase of the debt, there was the debasing of the currency—there had been great victories won by our army, glorious triumphs gained by our navy; very great renown obtained by our arms, and, amidst a constant increase of taxes, a great advance in commercial prosperity. Such were the changes in fifty years. Well, then, during these fifty years, when these things were taking place on the Continent of Europe, and in this country, I will show you the account which, at the end of these fifty years, was given by a person competent to speak as to the facts with respect to the state of Ireland. The gentleman I refer to, Mr. Barrington, described Ireland in this way:—

'I find the Whiteboy system has for the last sixty years continued under different names. The outrages have been of the same kind for the last sixty years.

'They (the illegal associations) have always had objects connected more or less with land. The preamble of the Irish Act, 15 and 16 Geo. 3rd, almost describes the present state of the country. Associations have been formed for regulating the prices of land, attacking houses, administering oaths, delivering threatening notices, taking arms, taking horses at night, and returning them again in the morning, taking away girls, murders of proctors and guagers, preventing the exportation of provisions, digging up land, destroying fences, houghing cattle, resisting the payment of tithes, and other outrages similar to those which have occurred in Clare last year, and which are now the subject of investigation in the Queen's County.'

Thus, you see, that these fifty years, that that half century, which had produced such great changes—which had produced such great revolutions in almost every country in Europe, had wrought no change in Ireland; but, according to the evidence of Mr. Barrington, had left Ireland to be described in the same words in which, in the preamble of the Whiteboy Act, it was described in 1775. I might read to you many things to corroborate the testimony of Mr. Barrington—I might show you, by the evidence of Mr. Beecher, that country Gentlemen had their houses shut up at night—that they dared not venture to go out except in the day-time—that they saw the fires by night upon the hills, and heard horsemen trampling by their residences. According to the evidence of another gentleman, Mr. Blacker, no window was allowed to be open, except one or two in the whole house, so that the daylight was nearly excluded. I could show too the country abounding in horrible murders, but I forbear doing so. And now let me ask, to what was owing that

state of things, in which life and property were rendered insecure in that part of the empire? Was it owing to the overmuch liberality of the Government? Was it owing to any excess of commiseration with the poor? Was it owing to an extreme exercise of the prerogative of mercy? Was it owing to too great favour being shown to those professing the Roman Catholic religion? Had not persons of the same opinions as Lord Roden during nearly the whole of that period, held the Government of Ireland, except during the short glimpse of Lord Fitzwilliam's Lord-Lieutenancy, and in 1806, when Mr. Grattan's advice was taken with respect to Ireland? During the whole of that period Ireland was under the guidance of these very men, who come now to complain to you of outrages and who tell you this day, in relation to the horrors upon which they dwell, that you are to regard them as the exclusive production of the years of Lord Normanby's Government in Ireland. Thus they unknowingly blind themselves, or wilfully conceal from you the fact, that such crimes are the offspring of former oppressions; that they are the offspring of a social system, which has frequently been denounced, and which produced its dreadful effects when an intolerant Orange faction trampled upon the liberties, and was regardless of the interests of a great portion of the inhabitants. I have thought it necessary to state these things, in order that this House may not suppose, that when they are asked to agree to a Resolution to support the House of Lords, that these crimes are, as their Resolution implies, the production of the present Government, which has rendered life and property insecure in that part of the empire. What took place in the years 1824 and 1825? Committees of both Houses of Parliament were appointed: these committees inquired into the causes of the social outrages and the social misery that prevailed in Ireland. So far, then, as inquiry goes, up to

1825, we have it fully before the House. I now come to another branch of this great question. I have shown you that the social condition of Ireland had been long diseased. What was her political condition? Be it remembered, that Ireland had likewise been subject, at various periods, not merely to the social evils I have referred to, but also to political agitation; and it is a question most materially affecting the Government of Ireland, and most materially affecting the course taken by the Irish Government, that the people of Ireland had been treated alternately with extreme harshness, and sudden conciliation. It was stated by Lord Grenville in the House of Lords, that concessions having been made, when persons were aware that it was owing to the pressure of public difficulties the concessions took place, they could hardly be expected to produce the effects of conciliation. This was stated with his usual caution by Lord Grenville, but it was at the same time stated very clearly.

'There is one circumstance,' he said, 'in the history of the Catholic concessions which deserves to be particularly considered. From the first concession, 1777 down to 1782 and thence to 1793, they have all been made under circumstances of greater or less political difficulty; and though no one will say it was an unwise or unfit policy, when we were entangled with a civil war in America, or when we were menaced with a foreign war with France, to endeavour, by conciliation and union, to strengthen our resources at home; yet it may have been suspected—most unjustly, I readily admit—that these concessions were not the result of legislative wisdom, nor the offspring of justice and liberality, nor the consequences of an enlarged and comprehensive policy, embracing the general welfare of the whole empire—but a benefit extorted from us under the influence of apprehension and danger.'

Such is the very temperate expression of Lord Gren-

ville's opinion upon this point. There is another authority I may quote for the same purpose because I am sure that it will be received by every one with respect. The statement of Mr. Wilberforce in speaking upon the Catholic question is this:—

'I can remember,' he said, 'the recognition of Irish independence, and how those who had talked of it as almost treason made no attempt to oppose it, while, if any objection was suggested, there was a general hush, and it was whispered they have 40,000 volunteers in arms. My experience of Parliament and of the country convinces me that when some alarm arises in Ireland, a war or an insurrection, everything will be given up at once, as it then was, without those securities to ourselves, or that benefit for Ireland, which now might be provided.'

Mr. Wilberforce prophesied that the like would occur again, and the sequel proved that he was a true prophet. In 1782, everything was given up to the volunteers from the apprehensions of an insurrection. In 1793, the Franchise Bill, which had before been contemptuously rejected, was carried amidst apprehensions of a war with France. And what was the issue of the Catholic question? Fox, Grattan, Plunkett, Canning, Brougham—all these eminent men exerted their powerful and brilliant eloquence on behalf of the Catholics, but they exerted it in vain. They made no impression towards effecting an equality of privileges for our Roman Catholic brethren. But justice was granted to them, at length in 1829, under circumstances of political difficulty, such as those mentioned by Lord Grenville, and under the apprehension of those insurrections alluded to by Mr. Wilberforce. With Lord Grenville and Mr. Wilberforce, then Sir, I say, that those concessions which were made to Ireland under circumstances so suspicious, to say the least of them, could not call forth much gratitude—not strong feelings of contentment—not those

sentiments which a just series of kind concessions would have been sure to produce. Therefore, it has been, that the people of Ireland, seeing that it was only through a system of intimidation they had been successful, determined to persevere in that system. And when Lord Anglesey undertook the Government of Ireland, such was the state of political agitation—such was the extent of social misery—and such was the diversity of disorder, that in the opinion of the Irish Government a severe system of coercion was necessary to aid the law in the repression of those evils. The Cabinet of that day proposed a coercion law, and I do not mean to deny that a part of the responsibility of its introduction attaches to me. But, in promoting that law, I thought with others that the time was come when we ought to look more deeply into the condition of Ireland, that we ought to consider whether we could not lay the foundation of a better system, which a mere temporary law of that kind could not do, and whether it was not fit to consult the temper and wishes of the people of Ireland, and whether the same freedom which we possess in our own country might not be as efficacious in Ireland. I have now shown you what was the condition of Ireland when Lord Normanby undertook the Government. A social condition for sixty years deranged, one part of the community hostile to the other—the only remedies applied, terror and violence —with some intervals of concession, made evidently from fear and apprehension. But am I wrong in stating that when Lord Normanby undertook its Government, which was in April 1835, those evils which I have described in the state of the country still existed? It would appear from the statements lately made, and more especially in the reported speech of Lord Oxmantown, that the character of the peasantry has been entirely changed—that, owing to the present administration they have been made the worst characters, they, whose dispositions, on the same authority,

are alleged to have been formerly of the most innocent description. Now, what is the description given in 1834, by Lord Wellesley, who took his account from Lord Oxmantown. This is a dispatch from the Marquess Wellesley to Lord Melbourne:—

'A complete system of legislation, with the most prompt, vigorous, and severe executive power, sworn, equipped, and armed for all purposes of savage punishment, is established in almost every district. On this subject I cannot express my opinion more clearly, nor with more force nor justice, than your Lordship will find employed in a letter addressed by Lord Oxmantown, lieutenant of the King's County, to Mr. Littleton. Lord Oxmantown truly observes that the combination surpasses the law in vigour, promptitude, and efficacy, and that it is more safe to violate the law than to obey it.'

This was the description given by the Marquess Wellesley on the authority of Lord Oxmantown in 1834. But let me refer to his own words. He says, that a man who violated the law had fifty chances to one that he escaped; that the man who observed the law was in danger and the violator of it comparatively safe. He described the state of the peasantry to be such, that it was impossible to form an adequate idea of it. I have no doubt, that Lord Oxmantown described the state of things as they were in 1834; but what is the feeling or the spirit of justice which would describe a state in which the law is better administered—in which certainly there is not the same impunity for crime—and in which illegal combinations have not the power that they are described to have had in 1834, and yet would lay the entire blame, and charge the entire fault of all existing outrages upon the Government of 1835? You have heard what was the state of the country when the Government was undertaken by Lord Normanby, and now you find, that certain charges have been preferred to make

him responsible for it. Let me now state that one of the greatest evils existing in Ireland—it is one described by all the evidence taken before the committees of both Houses of Parliament—is the distrust of the people in the law. It is stated by Mr. Barrington—it is stated by Mr. Leslie Foster—it is stated by Mr. Justice Day—it is stated by persons of very high authority, and there is no one in the House who will deny, that there had long existed a distrust of the law. Various instances could be mentioned of it. In one case a person committed a murder: he made himself obnoxious to other parties in the country, and even though he was thus obnoxious, he was not given up to the law; but the parties inimical to him beat him severely—so severely that his life was despaired of. Other instances might be given. I remember once a very signal instance related by my noble Friend the present Lord-Lieutenant of Ireland, and which he stated as occurring on his estates in Ireland. Lord Ebrington had remarked a young man, the son of a small farmer, living on his estate. Upon returning the next year to Ireland, he did not see the young man, and asked what had become of him, and he was told by his father that when coming home one evening he was waylaid, struck with stones, and died by the injuries inflicted in a few weeks afterwards. But, then, the farmer added that he knew who the persons were who had committed this gross outrage. My noble Friend, Lord Ebrington, naturally asked why he did not bring those parties to justice. The farmer replied, 'No, no: we know the parties, and will do as much for them another time, as they have done to us.' It appears to me, that the cause why there has been this distrust in the law, has been, that the law has never been administered in a way that the people could have confidence in it, or that they would obtain equal justice. Amongst other things, it was generally believed by the people, and not without foundation, that persons who

were about to undergo criminal trials would find that persons called upon the jury, who were known to entertain political opinions hostile to the Crown, or known to be Roman Catholics would be set aside. Pains were taken by Mr. O'Loghlen to relax the exercise of the right of the Crown to challenge. It was a very proper and necessary right, which should be exercised where persons fell under the suspicion of being favourable to the accused; but, then, in exercising it, care ought to be taken that no man should be objected to on account of his politics or religion. It appears to me that nothing could be done more calculated to shake the confidence of the country in the proper administration of justice than persisting in such a practice. That practice was altered, and greater confidence was felt in the administration of justice. It was not to be expected that, when such an alteration took place, complaints would not be made. Crown solicitors may have thought that an Attorney-General would not have approved of challenges in cases where he would have approved of them. In making changes it is impossible that some disadvantages will not be experienced; but in return we find one beneficial consequence, that greater trust is placed in juries, and there is no want of the efficient administration of justice. I have an account of committals and convictions for homicides in Ireland from 1832 to 1838, both inclusive. They were as follow:

	Committals.	Convictions.
1832	620	168
1833	687	274
1834	575	299
1835	712	309
1836	620	292
1837	519	175
1838	424	199

I say, then, that it appears to me, if we make a comparison of the year 1833 with 1838, that in the first

instance the amount of the convictions to the committals is in the proportion of twenty-seven per cent., whilst in 1838 the proportion was forty-six per cent. [*Mr. F. Shaw:* How is the comparison established?] It appears from the returns of the inspectors of prisons. I will now, Sir, take all the offences that have caused commitments for trial at assizes, quarter and petty sessions, and I will take the two years 1833 and 1834, as compared with the years 1837 and 1838. In the two years 1833 and 1834, the number of commitments was 39,200, while the convictions amounted to 25,697; and in 1837 and 1838 the number of commitments was 49,896, whereas the number of convictions was 38,514, thus showing, on a comparison of one of those periods with the other, that there had been no want of convictions, and that the proportion of convictions to commitments had not been diminished owing to the rule adopted with respect to juries. I say, then, that if you can make the law equally efficacious as to conviction, and introduce a change at the same time, which gives the people confidence in the administration of justice, if thereby you induce the people to become parties to the administration of justice themselves, you are not merely doing good for the time, but you are laying the foundations of the permanent tranquillity of Ireland, which those who have governed in the spirit of Lord Roden, and with the opinions of Lord Roden, have utterly failed in producing during nearly three-fourths of a century in which they have held the reins of Government in that country. Then again with respect to the number of convictions, they were far more numerous during the year 1830, at the end of which the Duke of Wellington went out of office. The comparison with the year 1830 stands thus. In that year the number of offences was 15,794, and the number of convictions 9,902; while in 1838 the number of commitments was 25,440, and the number of convictions 19,329

—thus showing, that while in the former year only two-thirds of those committed were convicted, in the latter year three-fourths of the number committed were convicted. This is what the returns prove as to the efficacy of the law as administered by Lord Normanby. There is another question. It may, Sir, be said, that although when persons were brought to trial the law was fairly and justly administered, yet there is no activity or energy in pursuing crimes. With respect to this part of the subject, I say that the energy exercised by Lord Normanby's Government has been greater than that which has been exercised by any former Government. As a proof of this I may state that one of the first acts of his Government was that of Mr. O'Loghlen, the Attorney-General, directing the Crown solicitors to prosecute at the quarter sessions offences which had hitherto been left unprosecuted —offences arising out of those faction fights and those bloody feuds which tended to give the people a brutal and violent character, and to lead to murder, and which, from there being no persons hitherto taking an interest in them, and from the indisposition of the Irish people to resort to the criminal tribunals of the country, had been left totally unprosecuted. It has been related of former times, but I hope those times have passed, that magistrates of the county not only did not try to repress these faction fights, but frequently favoured one side or the other, and that those fights thus encouraged and favoured, enjoyed impunity, under the protection of the magistrates. I do not impute this to the magistracy during the Government that went out of office in 1830, but I do say, that many cases of this kind were not prosecuted; and that the law officers of Lord Normanby have exercised more zeal and vigour in those prosecutions than has hitherto been exercised, and that it was in a great part to those prosecutions was owing the great increase of convictions of late years; and I feel

equally sure, that the House will agree with me in thinking, that although there may have been an increase of offences apparently at the time, yet that that course in the end will be found to be the course by which offences will be diminished, and justice most effectually done. Why, to my own knowledge, we have had increase of convictions in a town so little subject to outrages, and so peaceful and tranquil as Bath, when quarter sessions were established. There was a great increase of the number of commitments for a year or two, and what was the cause? Nobody thought that the people of Bath had become more criminal, and that crimes had grown rife all of a sudden in that peaceful and opulent town; but that when crimes hitherto not prosecuted were taken cognizance of, the people resorted to prosecutions, and that the law was more effectually administered. Sir, I say, that this is the course which has been pursued in Ireland; and it has been borne testimony to not only by persons favourable to the Government of Lord Normanby, but by those who took a totally different view from that nobleman, and who have nevertheless declared, that they never knew the powers of the law enforced with more energy than during the time of Lord Normanby's Government. Another complaint has been made with regard to the use of the prerogative of mercy. It appears, that Lord Normanby has been very much attacked for exercising too great clemency with respect to offences. I do not mean to go into that part of the case, as it was brought before the House in 1837. The question was fully debated at that time, and I wish rather to allude to the great principle upon which the prerogative of mercy has been exercised in Ireland, and what has been done during the last two years. It has happened in Ireland—and I believe very properly—that in exercising the high prerogative of mercy—a prerogative in this country exer-

cised not solely from regard to the opinions of the judges, not solely from their report of the circumstances of the trial, but which embraces various other circumstances, usually mentioned in the pardon as circumstances humbly represented to the Sovereign—it has happened that in Ireland the exercise of this prerogative has very often had reference to the tranquil or disturbed condition of the country. An instance of this was mentioned in some evidence that was taken before this House, with regard to some person who was tried for murder, at the time when Lord Anglesey was Lord-Lieutenant of that country. 'Sentence of death was passed upon a man convicted of being a Whiteboy, but with an intimation to the magistrates of the county, that if the county was tranquillised, he should be recommended for transportation. The magistrates subsequently assembled, and recommended that the sentence should be commuted, in consequence of the improved state of the county.' Sir, I state this to show that we are not to argue, because Lord Normanby may have exercised the prerogative of mercy, with reference to circumstances which are hardly ever taken into consideration in this country, that it follows that the prerogative of mercy has been improperly exercised. It shows, on the other hand, in the state of society in Ireland, that it has been frequently thought right, and, I believe, properly so, that the tranquillity of the country has been taken into consideration, and the more or less disturbed state of particular places at the moment as well as the particular offences of the criminals. But with respect to the exercise of this prerogative, it appears that from November, 1837, there had been 188 cases decided favourably, without reference to the opinions of the judges or the assistant-barristers, and of this number forty-three were fines for having unregistered fire-arms; and out of the whole number of cases there were only three cases of transportation,

in all of which commutation of the sentence took place on a certificate of unfitness for the voyage. This, Sir, I consider a most important circumstance. If there were a case in which I should say, that it was very doubtful whether the Lord-Lieutenant ought to exercise the prerogative of mercy, it is where sentence of transportation is commuted to another sentence. I think that, where it was thought proper by the judges that the prisoners should be removed from this country, it required great consideration before those prisoners should be allowed, after a certain time of imprisonment, to go back among their associates. But it appears that there were only three such cases; and that the ground of commutation was the unfitness for the voyage. With regard to the whole number, it appears that the remission in point of time was 140 months in all, that is, upon the average each prisoner obtained about five weeks of remission by this exceedingly wanton exercise of the prerogative. I believe that certainly there is no prerogative which requires to be exercised with greater care or with more consideration of all the circumstances than the prerogative of mercy; but this, Sir, I likewise believe, that if you entrust this prerogative to the Lord-Lieutenant, unless he is utterly unfit to perform any of his duties, you must leave to him the consideration of the circumstances which should guide him in the exercise of that prerogative. I believe it is impossible that you should obtain, by means of a Select Committee, all those circumstances which would induce you to say, that in particular cases the prerogative has or has not been properly exercised, and that it is one of those prerogatives which those who have exercised it have always declined to have submitted to question or investigation. I believe the right hon. Gentleman opposite, in 1827, when questioned in this House concerning the grounds on which he recommended the remission of a sentence,

declined to state them, taking the responsibility of the act upon himself. I also know myself, that shortly after I held the office which I at present hold, an hon. Gentleman, the Member for Finsbury, proposed an address to the Crown, praying for the remission of the sentence on the Dorchester labourers. I declared, that if the House interfered with the exercise of the prerogative, I should consider that the confidence of the House was lost, and I could no longer hold the seals of office; and if I am not mistaken, the right hon. Gentleman (Sir R. Peel) supported me in that determination, and said, that it ought to be left to the Ministers of the Crown to consider whether there were not circumstances which rendered the exercise of the prerogative of mercy necessary. For the sake of that prerogative, which I think one of the most important, and, at the same time, one of the most delicate of the prerogatives of the Crown, I see with very considerable alarm the appointment of a committee to enter into all those statements, and to examine evidence which, depending upon circumstances, might be related partially by those who disapproved of the judgment of the Lord-Lieutenant. Unless you come to some opinion on this subject—and this, Sir, is another reason why I wish the House to come to an opinion,—the Lord-Lieutenant of Ireland will be unable in any one case to make a decision, without those to whom that decision may not be palatable, saying, 'You have decided by virtue of the prerogative of the Crown; but we know there is another tribunal —there is a committee of the House of Lords—there is a committee sitting, moved for by Lord Roden, with a majority of more than two to one. In that committee we know we have a majority. We have chosen a jury to try the cause; a committee giving a clear majority to our own friends; the Lord-Lieutenant may say what he likes as to the remission of sentences, but he will appeal from

the prerogative of the Crown to the committee of the House of Lords.' Sir, I say this is not all. If the House is of opinion, that Lord Normanby was unfit to exercise this privilege, pass a vote of censure upon the Lord-Lieutenant of Ireland and upon the Government that have confided in him; and retained him in that situation; say, that he is an unfit person to exercise that prerogative, but do not say—if you value the prerogatives of the Crown and the constitution of the country—do not say, that this most sacred and inviolable of the prerogatives of the Crown shall be submitted to the party decision of a committee of one House of Parliament. Sir, there is another question with respect to societies and associations. One of those societies has been inquired into by this House—I mean the Orange Society. A great deal of evidence was procured, which satisfied the House generally that that society ought not any longer to remain in existence. Previously to that decision I had given advice to his late Majesty, which his late Majesty was graciously pleased to approve of, that I should write a direction to the Lord-Lieutenant of Ireland not to place in any office, or in any place of authority under the Crown, persons who belonged to that society, unless they declared, that they had ceased to belong to that society. In consequence of that step, and in consequence of the Address of this House, the Orange Society was dissolved. I shall always rejoice in that fact, as I do think it one of the circumstances by which the state and condition of Ireland has been improved, namely, that there no longer exists a society with secret engagements, having the confidence and approbation of some Members of both Houses of Parliament. The House will recollect, a short time previously to that change, and a little while before the administration of the government of Ireland by Lord Normanby, the assumption of the Orange ribands and insignia

by a magistrate, which was in a great degree countenanced and permitted by the Government of Ireland under Lord Haddington. When I stated my views in favour of an inquiry with respect to the Orange Society, I stated at the same time when an hon. Gentleman gave notice of a Motion with respect to Riband societies, that if he chose to make that Motion he should have my support, and that if he had reason to believe that dangerous combinations of that kind existed, although I believe not amongst persons of the same class that was supposed to belong to the Orange Society, I thought they were a proper subject of inquiry, as I wished to see all such societies put an end to. But, Sir, there have been other societies of a different nature, not having secret engagements, but simply political associations. In the conduct of those associations, the hon. and learned Member for Dublin has always been an active and prominent person. I have given the reasons already why I think that after the experience we have had of Irish history, after the concessions that have been made to associations, and the concessions which have been refused to humble petitions, it was naturally to be feared, that an opinion would grow up in Ireland that concessions might be had, that changes favourable to popular views might be entertained, but would not be entertained till an association had made itself formidable by its numbers and extent. Sir, the House ought also to consider, that sometimes there is great provocation to induce the people of Ireland to enter into such associations. The House ought to consider this, and to recollect a famous speech that was made in the other House of Parliament, which rendered it difficult, if not impossible, for the Irish people to resist such provocation. I will even confess, that if I had been in the position of the hon. and learned Gentleman near me (Mr. Pigot), who enrolled himself in one of those associa-

tions upon the occasion of such provocation, that, as an inhabitant of Ireland, and with my feelings roused by the occasion, however much my cooler judgment might have been against permitting the existence of a society so constituted, I very likely should have joined such an association. But, Sir, the Government of this country and the Government of Ireland have discountenanced such associations, and the year before last the hon. and learned Member for Dublin gave up an association which he proposed, because it was the opinion of the Government that such an association had better not continue. That hon. and learned Gentleman was informed, when he projected the association now existing, of the unfavourable opinion which the Government here, and Lord Normanby entertained of the existence of that association. Those associations, as I think, have always weakened the force of Government. They take something from the authority of the laws, and they always give some encouragement to other combinations of a more illegal and dangerous character; and I, therefore, do hope certainly that we shall see gradually a discontinuance of such associations. But this is one of those evils with which the government of Lord Normanby has had to struggle, owing to the impolicy and injustice of former Governments. It is an evil with which he has had to struggle owing to the practical avowal that has been made, that to associations you will yield, but to petitions you will never concede. It is, therefore, I think, no reproach to the government of the late Lord-Lieutenant of Ireland that these associations have existed in his time, but it is, I think, a glory to his administration that those associations have never taken the dangerous character which they assumed in former times, and which it was absolutely necessary to frame laws to suppress. There is another matter with regard to the distribution of patronage by

the Lord-Lieutenant of Ireland, upon which there has been a great difference certainly in his conduct and that of former governments. Upon that subject I am ready to say that I think—as my noble Friend near me (Viscount Morpeth) stated last year—that the favour and patronage of Government should be given rather to their friends and supporters than to their decided and inveterate enemies. I know no policy or wisdom in pursuing any other course. Who have been the supporters of Government in Ireland since 1835? Sir, I confess a great change has taken place in that respect, and that, whether right or wrong, the Government has had the support of a great majority of the people of Ireland. I do not deny the fact. I am proud to proclaim it, and I think we have evidence of it in the petitions that have been laid on the Table of the House this night, when we have seen, perhaps for the first time, numerous petitions coming from those who undoubtedly represent the great mass of the Irish people, praying this House not to assist in the removal of a Government which they look upon with favour and confidence—a Government, which they say has conducted affairs upon principles of which they approve. Let me here say that if the Government is continued, it will be continued on the same principles. Sir, I know not why, if we conduct the Government of England according to the wishes of the people of England—and if we conduct the Government of Scotland, according to the wishes of the people of Scotland—I know not why in Ireland the opinions and wishes of a small minority only should be consulted, and the great majority should be totally omitted in the list of the supporters of Government. I say, on the contrary, that we can have nothing firm, that we can have nothing stable, that we can have no permanent improvement, unless we act on such principles as shall carry with them the good will and the confidence of the Irish people.

I appeal to the general testimony of those who know Ireland, and to those who represent the people of Ireland, when I say that the state of Ireland has been improved in consequence of the good-will and favour with which the people have regarded the Government of that country. We have passed laws affecting the condition of the poor of that country—we have passed a law by which, in future, we trust such evils will be prevented as have of late years tended to distract that country; but this must be of slow operation, and can only produce any effect at the end of a considerable time. I have a statement here which it is scarcely worth while to read at length, but it is a statement made by the Duke of Wellington of the state of the 40*s.* freehold franchise in Ireland of 1829. The Duke of Wellington said—

'The whole affair was managed, and the money paid by the landlord, or the candidate, or was in some other way made the object of a job for promoting the political influence of those who took the trouble of managing it. It also appeared from the authority he had before quoted, that the people were driven to the hustings in large numbers; that they were looked upon as part of the live stock of the estate; and that they were scarcely treated like human beings. Property has its duties as well as its rights; and that it is to the neglect of these in times past, that many and most of the present miseries are to be attributed.'

In 1829 we made a great change; we disfranchised those 40*s.* freeholders, and gave the franchise to a higher class. We fixed 10*l.*, as the franchise for the future. I am not speaking now of the political wisdom of that arrangement; but it was obvious that one of the consequences of that law would be, that those landlords who were hitherto so regardless of their tenants, who had been so regardless of that House, and of the constitution, as to make those tenants march in thousands to the poll, like persons hav-

ing no will of their own, when they found the political benefit taken from them would have no regard to the misery or wants of those unfortunate persons, but would re-distribute their property according to the pecuniary benefits that could be derived from it. This, Sir, is an additional difficulty, with which the Government since 1829 has had to deal. Since then, and my noble Friend near me has declared the fact, the rights of property have been exercised with the utmost rigour, not only, as Mr. Drummond has said, in former times, but at the present day. That evil will be to a certain extent remedied when every person who shall be turned out of his house, every person who shall be driven from his cottage, can at least go and ask relief from a board of guardians. But what has hitherto been the case? We have it on the evidence of a land-surveyor, Mr. Cahill, who said in his evidence before a committee—

'State generally what has become of them; (1,126 poor people ejected). Do they continue wandering about?—I have known on one estate which is near me, and which I had regulated for a gentleman, there has been a great many of the old people turned off that became beggars, and a good many of them died of want.—Do you mean they died from want?—A kind of distress; being turned out of their houses, and many of them became beggars and died; some of them are labouring in different parts of the country, but the old people in general died; I can state to the committee the number that died to my own knowledge.'

We have this going on now. It was lately going on. I am not referring to what was done in former days; I am not referring to the year 1775, but to that of 1839, up to the April of which year these harsh ejectments have been continued. At that time persons were driven from their homes by means of a large military force—by means of

infantry, cavalry, and police—although no resistance of any kind was offered; and any government that exists in Ireland has to deal with the outrages that may be produced by persons of this kind being left to starve, the landlords merely providing for them for a few weeks, or at most for two or three months, after which period their existence is left wholly uncared for. Tell me not, then, that in 1839, or in any period that has elapsed from 1835 to 1839, or at any period of those four years, we could remedy the evils that were so deeply rooted, or that we could expect that outrages would not be committed, arising from causes that have long prevailed. The right hon. Gentleman (Sir Robert Peel) seems to admit this statement as if it were a matter of course; but he must see that the complaint has been made; that such statements have been heard, and that the appointment of this committee, and the debate which has been sent to Ireland accompanying it, takes for granted that these outrages and crimes have been owing to the conduct of Government, which during the last four years has had the administration of Ireland. I say, then, that we cannot expect that a cure should be effected of all these evils except in the course of a long period of time. The right hon. Baronet opposite, in 1829, after reading a letter complaining of outrages committed upon the person in Ireland, attributed them to the diseased state of the country. Are such evils to be remedied in four years? Can we

> Pluck from the memory a rooted sorrow;
> Raze out the written troubles of the brain;
> And, with some sweet oblivious antidote,
> Cleanse the foul bosom of that perilous stuff
> Which weighs upon the heart?

This is not in the power of any Government, by means either of legislation or administration. But we may do this—we may show that we are determined to do justice to all parties. We may show that we are determined to pro-

mote such laws as will tend to diminish poverty and misery. We may show that we have confidence in the people, that we will place reliance upon the people, and we may then expect that in time that confidence, long estranged, will return—that in time affection, greatly alienated, will be again turned towards our Government. We may expect, that misery and poverty, the doom of so large a proportion of the population, will yield to the remedies that we apply, such as those remedies which the wisdom of the ministers of Elizabeth applied during her reign in this country—such remedies as the ministers of William III. applied, during his reign, to the disorders of Scotland. Yet let me not be understood to say, that the Roman Catholic religion could be united to the State as the Presbyterian religion of Scotland has been. But it appears to me, that in 1829, when a settlement was made of the Roman Catholic disabilities, other measures might have accompanied it which would have made the task of Government more easy to those who have to administer it. Still if permanent benefit is to be obtained, it must be sought by administering fairly to the people the law by which they are ruled, and by pursuing the principles which we have pursued, by adopting the maxims which we have adopted, by giving the people that confidence which never has been given to them, and which never can be given to them by an administration consisting of persons who have ever been hostile to them, and who even now, in this year of 1839, in granting a municipal franchise to Ireland, such as has been granted to England and Scotland, deny them the miserable boon of having a franchise of 8*l.* instead of a franchise of 10*l.*; who insist upon it that if we give a municipal right, we shall restrict the boon, thus recording our distrust in the same statute by which we give them privileges. Under the administration of persons professing those opinions, I do not believe that the complaints of Ireland will be per-

manently redressed, and I do not believe that the heart of Ireland will be reconciled to this empire. Before I conclude, I will now beg to read some words written by Mr. Burke, towards the end of his career and of his life, at a time when he complained of being neglected by the Government of the day, and when he had also broken off all terms with the Opposition, having, in short, separated himself from his political connections, and, as may be inferred, divested himself of political influence. Mr. Burke said in a letter on the affairs of Ireland (1797):

'I have been long, but it is almost a necessary consequence of dictating, and that by snatches, as a relief from pain gives me the means of expressing my sentiments. They can have little weight in coming from me; and I have not power enough of mind or body to bring them out with their natural force. But I do not wish to have it concealed that I am of the same opinion to my last breath, which I entertained when my faculties were at the best, and I have not held back from men in power in this kingdom, to whom I have very good wishes, any part of my sentiments on this melancholy subject, so long as I had means of access to persons of their consideration. As to a participation on the part of the Catholics in the privileges and capacities which are withheld, without meaning wholly to depreciate their importance, if I had the honour of being an Irish Catholic, I should be content to expect satisfaction upon that subject with patience until the minds of my adversaries, few but powerful, were come to a better temper; because, if the Catholics did enjoy, without fraud, chicane, or partiality, some fair portion of those advantages, which the law, even as now the law is, leaves open to them, and if the rod were not shaken over them at every turn, their present condition would be tolerable—as compared with their former condition it would be happy. But the most favourable laws can do very little towards the happiness

of a people, when the disposition of the ruling power is adverse to them. Men do not live upon blotted paper. The favourable or the hostile mind of the ruling power is of far more importance to mankind for good or evil than the black letter of any statute.'

It is that disposition which I invoke, and not any favour to, or confidence in the present Administration. It is that favour which I invoke—a disposition of mind favourable to the Irish people, and which I ask you to assert to-night. Sure I am, that if you agree with the opinion which dictated the appointment of a committee of the House of Lords, infected as it was with the previous statements that were made, you will not infuse into the people of Ireland a belief that the Government which you will probably establish really means well and favourably to the Irish people. Depend upon it, you will never infuse into their minds a notion that you really wish to see them on an equality of privilege with us. They will have a constant and rankling suspicion that justice will not be impartially administered—that favour will not be impartially shown. In saying this and in asking this House for its opinion, I know very well that while I must encounter the hostility of the numerous party opposite with regard to this question, that the present Government likewise is not regarded with favour upon other subjects—subjects totally removed from the present, by another portion of this House. An hon. Gentleman has given notice of a Motion which he intends to make, should I be successful in carrying the Resolution I mean to propose. I need not at present enter into the discussion of that Resolution which is totally different from the subject in hand, and which will, no doubt, be preceded by a statement by him of the reforms which he intends to propose, and the subject matter of them, and which the House will in future decide upon. That they are not minor reforms—that they

are not reforms of trifling importance—we must gather from his having given notice of it upon this occasion. When he states his opinions on his Amendment—when he states the extent to which he means to go—I shall be ready to state my opinions on the subject, adhering to opinions which I have declared in this House, not as those opinions have been by some carelessly, and by others carefully, misrepresented—but opinions resting upon great principles, and having in view, as I think, the future welfare of this country. Sir, the difference of opinion which the hon. Gentleman entertains, may be a difference of opinion which may lead him to say that, however he may agree with us with regard to this Resolution, that however he may agree with us with regard to the support of the Government of Ireland, yet the difference upon other subjects is such that it is far better that he shall do all in his power, in union with all those who may agree with him, to make way for another Government in this country. I shall, however, rest satisfied with the decision of this House upon the subject. I cannot say that I think the course which the Government has pursued with respect to Ireland, or with respect to the general questions which have affected this country, is a course from which we ought to depart. I am not prepared to say that the acts of reform which have succeeded the reform in the representation in 1832 have been trifling or unimportant. When the time comes I shall show that we have made considerable changes—that we have gone far to reform abuses, and that the spirit in which these reforms have been carried will lead quietly and gradually to other reforms and other safe and salutary changes, whereas an abrupt interruption of them might stop the progress of reform altogether. That is the argument which I may be prepared to hold if that question shall be brought before the House by the hon. Gentleman. At

present I have only to consider that although a majority of this House may approve of our Irish policy, yet that the present Government may have run its course, and that another Government may succeed it. Sir, I may think the consequences to Ireland will be dangerous—I may think the consequences to the empire very doubtful; but personally, as regards ourselves, I think we shall have no reason to regret that result. We repent not of the measures that we have proposed—we have no inclination to give way to the measures which we have thought it our duty to resist. It will be a consolation to us, on the dissolution of the Ministry, that with regard to the affairs which I have this night brought under your consideration, that with regard to these affairs of Ireland, we have endeavoured to introduce a friendly relation between this country and that part of the United Kingdom, and that in so doing we have been ready to encounter any opposition—to incur the loss of much strength, and of some popularity, in this part of the United Kingdom—that we have been ready to endeavour to unite by affection, to unite by feelings of good-will and love, the people of this country and the people of Ireland—to make the whole United Kingdom stronger against all its enemies—to found the Government of Ireland, as the Government of England has long been founded, upon opinion, upon affection, upon good-will; and that if the Ministry should fall, it will fall in an attempt to knit together the hearts of her Majesty's subjects.

April 19, 1839.

Lord John Russell then rose to reply amidst continued cries for a division. He said—Sir, had I been able to rise at an earlier period of the evening, I should certainly have made some observations on the speech of the noble Lord the Member for Lancashire; but at this late hour, and

after the many able speeches which have been made in support of the Motion which I have ventured to lay before the House, I shall certainly not feel justified in occupying your time for many minutes. Sir, it appears to me, that this Motion has chiefly been opposed on two grounds, each very different from the other, if not quite contrary. The one is, that the vote to which the House of Lords came is not a censure, that it imputes no blame to the Government, and that it is therefore quite unnecessary to interfere with a proceeding which merely amounts to one of those ordinary cases of inquiry on which either House, at its discretion, is accustomed to enter. The other line which has been pursued by some of those who have resisted my Motion is, that there is so much to blame in the Government of Lord Normanby that the House of Lords thought it necessary to institute an inquiry—that this inquiry is in the nature of a trial, and that at present the House ought not to offer any opinion, inasmuch as the trial has not come to a conclusion. Now, Sir, if the first of these grounds is to be relied upon, viz., that this is a mere ordinary case of inquiry and not a censure, then I say that this Government, so much as it has been attacked—so much as it has been calumniated—is, after all, not to be the subject of the inquiry in the other House of Parliament. There is, therefore, nothing to prevent this House from passing an opinion; for if there be no inquiry respecting us there can be no danger of a collision. But if the other ground is to be relied upon—the totally different and contrary ground that the House of Lords have thought proper to appoint a committee to draw up articles of impeachment, and have, therefore, appointed a committee of their own to conduct the whole matter of impeachment in their own House—if this is to be the ground relied upon, then, I say, let us come to a vote here, and decide whether a similar proceeding ought or ought not to be adopted in this House.

The hon. Member for Wiltshire, in his able speech said, as I understood, that we ought to wait and see what the result of this trial would be. I ask, Sir, those acquainted with the proceedings of Parliament, when was there ever an instance in the constitutional history of the country, of this House sitting still without taking any proceedings whilst the House of Lords was examining the question of the final condemnation of a considerable part of the executive Government of this country? Let us imagine this proceeding—let us suppose the House of Lords to have gone over the point, having first taken good care to have a majority in the committee—suppose them going over all these proceedings, and with as much decency as they can manage to put into it—and let us suppose that the resolutions which, for aught I know, are already drawn up by the Mover of the committee—resolutions containing neither more nor less than the speech circulated throughout the country—the speech of accusation and crimination made at the beginning—suppose, and it is no great stretch of supposition, that the resolutions should be drawn up in conformity with that speech, and then that this House should proceed to appoint another select committee to search the journals of the House of Lords, and then, for the first time, officially find, that the other House had undertaken to examine and decide upon the conduct of the executive Government in Ireland—I ask, was the House of Commons ever placed in such a position as it would be placed in then? It is impossible for this House to judge and decide on the evidence of the House of Lords. Is it meant to be said by those who hold up the authority of the House of Commons, that we have nothing to do but to wait for three or six months, or whatever time this inquiry may last, before we come to a decision upon the course of government adopted in Ireland? Are we totally unable to decide upon that Government? There was no

part of the right hon. Baronet's speech which gave me greater satisfaction than where he said that if the amendment were not approved of he would come to a direct vote against the motion. That at least was right. It was right that the House of Commons should not place itself in so degrading and unparalleled a situation as to give no opinion on such a subject under such circumstances. They would now come to a decision one way or the other. Either they would approve of the Government of Ireland or they would come to a vote of censure, and in the latter case institute for themselves any proceeding which they might think proper, to criminate the late Lord-Lieutenant for Ireland. The noble Lord the Member for Lancashire said, that if the House of Commons placed itself in contest with the House of Lords it would not gain by the position, and he went on to give a curious proof of this, because he referred to letters (which he confirmed by his own opinion) which stated that the evils of Ireland were deeply seated, that they had existed for a long period of years, and that they could not be traced to any immediate act of the Government of Lord Normanby. If that were the case, the noble Lord gave a complete contradiction to the vote of the House of Lords, which implied throughout, that these evils, these crimes, these atrocities were produced by the Government that had existed since 1835; and so satisfied did they seem that they were only to be traced back to that period, that beyond that point they did not think it necessary to make any inquiry whatever. There is another point in the observations of the noble Lord to which I must call the attention of the House. The noble Lord asks why I did not state in my Resolution that the period it was intended to embrace was since 1835. It is true the motion of the House of Lords only affected the Government so far; but, if I had done so, there would be found a sufficient number of persons, evilly disposed towards the Government, to say

that I wished to cast a stigma on the Governments of Lord Anglesey and Lord Wellesley. Now, having the greatest respect for Lord Anglesey, and an equal respect for Lord Wellesley, I certainly took the greatest pains not to have such a thing implied: and yet, notwithstanding all the care taken on that occasion, the noble Lord still maintains that such censure is actually implied. How much more so, then, would it not have been stated that such was my intention if I had stated a fixed period such as the noble Lord taunts me with not having done? How unfairly the noble Lord attacked the Government on that point is, therefore, before the House. The noble Lord then said that even should the resolution be carried to-night, nothing could come of it—nothing would be gained by the Government. In that proposition I entirely differ from my noble Friend. I think a great deal will be gained by it, not alone for the Government, but for the country. The effect of the motion of the House of Lords in Ireland must be, if not neutralised by a vote of the House of Commons, to create an impression on the minds of the people of that country that under the name of the House of Lords a new Government, in accordance with the feelings of that branch of the Legislature, would be appointed, and it would, moreover, have an effect greatly injurious to the character of the Government. But I am persuaded that the Government will not be defeated, nor the people of Ireland deserted so long as they have a majority in the House of Commons. It is to that vote I appeal on the part of both. The hon. Baronet, who has just sat down, favoured me with a lecture on consistency—he is himself so very consistent as to be a model for every man in the House. Now, in regard to my consistency, I did not think, when I agreed to vote for the motion of my hon. and gallant Friend the Member for Worcester, in opposition to the House of Lords—I did not think, I say, in giving that vote that I

opposed myself to the constitution—even though I concurred with my noble Friend opposite and the right hon. Baronet the Member for Pembroke in giving the strongest advice I could on the subject to the Sovereign. My opinion then was, and is now, that the executive Government of this country should not be placed in the hands of the House of Lords. And I think, moreover, that if they succeed in assuming it, far from its being a source of honour or peace to them, it will be but the commencement of a struggle which may end by putting their undoubted rights and privileges in the greatest danger.

CANADA.

Monday, June 3, 1839.

Lord John Russell said: it is now my duty, as a Minister of the Crown, to call upon Parliament to lay the foundation of a permanent settlement of the affairs of Canada. I think, upon general grounds, there are sufficient reasons why Parliament should at present be asked to take some step which may indicate the policy that Parliament will, in future, pursue with regard to those complicated and disturbed affairs. We have had various commissions of inquiry—we have had reports from those commissions laid upon the Table of the House; and the abrupt termination of the mission of Lord Durham made it, in our opinion, inexpedient to appoint any other person with similar authority to report again with regard to the facts of the case, or to state the views which he might take of the best manner of meeting its difficulties. But there are other and special reasons why, in my opinion, Parliament should be ready now to declare its opinion with regard to the principle upon which the legislation of Canada is in future to

be guided. When Parliament last year passed an Act, which was agreed to by very large majorities in both Houses, to provide for the temporary government of Canada, it was supposed, that the powers granted by the Act were so extensive that they partook—as its opponents represented—so much of an arbitrary and despotic nature, that it would not be necessary for the person exercising the authority of the Crown in Canada to apply to the home Government for any further powers as the means of preserving peace in those provinces. But at the end of the last Session of Parliament, in consequence of an ordinance passed by Lord Durham, new views, as I think, were stated with respect to the powers conferred by that Act of Parliament. Very learned authorities supported a view, not merely questioning that particular ordinance of Lord Durham of which it is not necessary for me to speak; but disputing and doubting altogether the extensive nature of the powers which, in the opinion of the Government, fortified by that of the Lord Chancellor and the Attorney-general, had been conferred upon the Governor-general of Canada. The consequence of that interference of Parliament—I am not now speaking of whether it were a necessary or politic interference—but the consequence in point of fact of that interference was, that a tribunal in Lower Canada, expressed on one particular occasion, strong doubts as to the validity of the Act to enable the Governor-general of Canada to detain persons suspected of high treason. Two of the judges concurred in an opinion that a person who had been so detained was entitled to a writ of *Habeas Corpus*. The Governor, by the exercise of an authority very sudden and very arbitrary, but as I am disposed to say, quite necessary, refused to allow this writ to be executed. He justified the officer who refused to produce the body of the prisoner, and he suspended the judges who had given an opinion contrary to the effect of his ordinances.

I say, that in the circumstances in which Canada was then placed, with an impending rebellion—with resistance already begun in some portions of those provinces, if the Governor had acted otherwise, his hesitation would probably have been the cause of great bloodshed and a very protracted struggle, even if he had not risked the safety of the provinces altogether. But, at the same time, I say that an Act of Parliament should not be left in such a state that the Governor should be obliged to resort to such extreme measures as the suspension of judges, who, no doubt, had acted conscientiously, taking into their view, (I understood, indeed, that that was the main ground of their proceedings) the opinions given in this country by learned individuals who had filled high offices in the State, and who were thereby induced to give a decision which tended to make the powers of the Government inoperative, and to place the safety of the province in danger. It may be said, that the simple and the single remedy for such a state of things would be, to call for fresh powers—to explain in more definite terms those powers which were conferred by the Act of last year, and to take care that that Act should be sufficient to arm Sir John Colborne, or whoever the Governor of the province may be, with legal and undoubted powers to preserve its peace and tranquillity. But, viewing the state of the province generally—looking at the information which is before the Government and before Parliament with regard to this subject, I do not think the Government would be justified in coming down to Parliament and asking for further and more definite powers, unless they, at the same time, asked, that some principle should be established by which a future Government, and I should say, a future free Government, of the Canadas could be secured when these temporary powers shall cease to be in force. These, therefore, are the grounds upon which I say that the time is come when Parliament should be called upon for an

opinion as to the principle, at least, of the future settlement of the affairs of the Canadas. I will now recall to the attention of the House the Act which, by her Majesty's message, it is proposed in its chief enactments to renew, to the series of transactions which took place in consequence of that Act, and to the representations which have been made by Lord Durham as her Majesty's high Commissioner. The Act of 1791, which provided for the separation of the two provinces, appears to have been, from all that I have read of the speeches delivered by Mr. Pitt in this House, and by Lord Grenville in the other; and from all I have heard from persons who were acquainted with the general transactions of that period, founded upon two grounds. The one was, that there being an influx of British emigrants into Canada, and with them an increase of British industry, British habits, and fondness for British institutions, it seems to have been conceived—I will not detain the House by quoting passages from the speeches of the time—but it appears to be very clearly shown, that it was conceived by Mr. Pitt and Lord Grenville that by dividing the province into two, the French population might remain in that portion thenceforth to be called Lower Canada, whilst British emigrants would have free scope for their industry, and free power to establish their own institutions, and to abide by their own customs, in the other portion of the province, which was to be called Upper Canada. Another reason upon which I conceive the Bill was founded, though that certainly is not so clear—but it seems to me to follow from the state of the times and the views taken by the Government of that period—another reason was, that it was thought advisable that the French inhabitants being at once very loyal to the Crown, of very simple habits, and possessing institutions to which they were very much attached, should have preserved to them the means of maintaining those insti-

tutions. By this plan, then, it was intended to reward them for their previous loyal conduct, and to give them a security for the future stability of their institutions. Speaking with great respect of those who introduced the constitutional Act of 1791, and readily allowing, that there might have been at the time reasons of which we cannot properly judge—for we have no right to make use of our own experience as affording a reason for condemning that measure—readily allowing this, I do think, that upon both the grounds to which I have alluded, that Act was a mistaken act of policy. It appears to me to be quite impossible that you could so contrive a division of the two races as to keep the British in Upper Canada distinct from the French in the Lower Province. And even if that separation took place, the consequence was sure to follow, that the French in Lower Canada would seek to deprive the English of the Upper Province of those natural advantages, which a free communication with the sea by the river St. Lawrence, would necessarily confer. In the next place, I do not think that there was anything in the old French institutions, or in the habits of the French people, which at all deserved to be retained, or that the Government should take means to preserve. I think that the policy should rather have been to give the greatest power to the emigrants from this country, to have amalgamated the institutions of the two provinces, and to have brought them as near as possible to those of England. But whatever may be the judgment of the House with respect to the Bill, as it was then introduced, we have had an opportunity of seeing the very serious, and I think the very dangerous consequences which have flowed as certainly from that Act as any effects can ever be said to flow from any cause. For many years, indeed, the people of Lower Canada being chiefly French, and little curious of inquiring into the powers which they had acquired by the Act of

1791, made no opposition to the Government at home; but, as was perfectly natural, there grew up in a little time in Lower Canada a considerable population of British race, British habits, and possessing to the full the British love of enterprise, bringing with them great commercial capital, and anxious to push to the utmost the advantages which were to be derived from the rich soil and the opportunities of trade which the position of Lower Canada afforded. The result was, that strong opposition was made by the House of Assembly of Lower Canada to the views of the Crown in England, and for some years it appears to have been the practice of the Crown—a practice justly reprehended by the committee of 1828—to make an appropriation of the supplies of Lower Canada, which supplies were never voted by the House of Assembly. A method, indeed, was adopted in order to prevent the Governor and the servants of the Crown in that province from being completely overwhelmed by the opposition of the House of Assembly, by composing the Legislative Council almost exclusively of persons of British origin. I think, that that also was not a politic course of proceeding. The effect of it was to produce in the Legislative Council a great majority of persons of British race, of different views, and totally different opinions from the majority of the House of Assembly. There thus grew up a constant opposition, a constant source of irritation between the members of the House of Assembly chosen by the inhabitants of Lower Canada, and the British majority in the Legislative Council, placed there by the Crown. It was found, that that mode of proceeding tended ultimately so much to dissension and disunion—that the business of the province could not be carried on, and that the Governor was obliged, year after year, to report the failure of his attempts to induce the House of Assembly to adopt those measures which had been recommended from the home

Government. At length a committee was appointed in 1828, which committee made various propositions of amendment—propositions which I stated to the House last year in detail, and to which it is of course unnecessary that I should again refer. These propositions, it must be said, were fairly admitted by the Government of this country as soon as they were made; but by the time that the Government had determined to grant everything that could in fairness and justice be demanded by the House of Assembly, that body, elated by what they conceived to be a triumph over the mother country, made demands totally incompatible with the relations between the parent state and a colony—demands which would deprive the British population of the province of all power, and the representatives of the Crown of all control—demands which in fact would, if granted, have established, under the name of a British province, an independent French colony in Lower Canada; Great Britain having only the burden of contributing her fleet and armies to support and sustain the colony against any enemy that might chance to assail it. In consequence of these proceedings, I proposed in the year 1837, certain Resolutions to the House, and which Resolutions, after long and repeated debates, were adopted by a very great majority. Those Resolutions negatived the proposals of the Assembly of Lower Canada, and declared the Resolutions of this House not to agree to the demands which the House of Assembly had said were the *sine quâ non* for granting the supplies. The Resolutions went on farther to declare, that the House of Commons would, by authority of Parliament, provide for the payment of those servants of the Crown in Canada, whom the Assembly had for more than three years left without any salary. The consequence of that proceeding on the part of this House was increased discontent and irritation among the French leaders, and those who followed them

in Lower Canada; a feeling of irritation, which went to such an extent, and was so dangerous in the eyes of Lord Gosford, who was then the Governor of that province, that after procuring the best information he could obtain, he thought it necessary to issue a warrant for the apprehension, on the charge of high treason, of many members of the House of Assembly. These members, with few exceptions, immediately left the country, and then the rebellion took place on which was founded the Act of last year. It was in consequence of that Act, and under the powers of that Act, that Lord Durham was sent to Canada. He was there for no very long period, and I think considering the difficulty of the details of the administration, and the immense amount of business necessarily before him, that the attention he paid to the general state of the province shows, that if he had been able to remain for the whole time originally contemplated, we should have received from him a very detailed and satisfactory account of measures by which the evils of Canada could have been remedied. As the matter stands, the report of Lord Durham contains at great length, and in very forcible language, a picture of the evils of Lower Canada, a description of the sources from which those evils have been derived, and a very strong, and I hope a somewhat too strongly, coloured picture of the animosities existing between the two races of the French and British in that colony. I come then to the question of the remedy which is to be proposed for these evils. But, before I state the proposition for the re-union of the two provinces, I beg again to place before the House the fact, that the chief evils with which we have had to contend, appear to have been derived almost directly from the act of separation of the colony. It is at all events difficult to deny, that the evils suffered have flowed from that cause. One great evil is the entire predominance of the French party in the House

of Assembly, that party refusing to allow that any French habits, French laws, or French tenures should be altered, and declining to give their assent or approbation to any law by which British enterprise could be encouraged. That was the result of the French people having received by the constitution of 1791, a decided majority in the representation. However incompatible the proceedings of the Assembly may have been with the general interests of the province, and however ill they may have used their power, it appears to me to have been the necessary consequence of their position, and the direct result, that might have been expected from the powers they possessed, knowing, as we must do, their inclinations and dispositions. Another very serious matter is, that the people of the Upper Province have been unable to carry on trade in that unrestricted manner in which they feel themselves entitled to do, for want of having immediate communication with the sea. In the address from the Constitutional Association of Montreal to the inhabitants of British America, they say, 'Upper Canada, repulsed in her endeavours to open a direct channel of communication to the sea, has been driven to cultivate commercial relations with the United States, whose policy is more congenial with her own.' They say again, Upper Canada is honourably distinguished for works completed and in progress, remarkable for their magnitude, and for the extensive character of their destined utility. The St. Lawrence Canal, at this moment in active progress, will complete an uninterrupted navigation for vessels of considerable burden from the upper lakes to the line dividing that province from Lower Canada; but at that point the spirit of British enterprise encounters the influence of French domination; the vast design of rendering the remotest of the inland seas accessible to vessels from the ocean, is there frustrated by the anti-commercial policy of the French leaders. We look in vain

to their proceedings for any manifestation of a desire to co-operate in the great work of public improvement which animates, as with one spirit, the entire North American population of British descent; nor is their adverse disposition less visible in their opposition to other important designs; they either refuse to grant charters to carry into effect works of acknowledged public utility, or when, after repeated and earnest applications, charters are obtained, they are clogged with restrictions of an unusual character, in the hope of rendering them inoperative. Thus it is, that whether with regard to political interests, or whether with regard to material interests, we find that the Act which separated the provinces is the Act which has been the cause of the political dissensions in Lower Canada and the cause also of arresting all enterprises of great public utility, and of promoting the means of commerce in the Upper Province. It would seem, therefore, if we were to look no further than to the evils and their cause, that the proper remedy of them would be, to unite those provinces whose separation has been the evident cause of them. But, before I state any further reasons in support of that plan, or of the mode by which I think it may be carried into effect, I wish to state another plan that might be proposed, and the objections which I think are conclusive against it. That plan might be, the continuance of the power now existing in Lower Canada, the continuance of the power of the Governor and Special Council to dispose of the whole of the taxes, and to make laws for that province. I think any very long continuance of such powers, without a prospect of some change, and of returning to a free Government, would be repugnant to the feelings of any people who have been once governed by constitutional principles; but, above all, repugnant to the feelings of a large proportion of the inhabitants of the continent of America. We now see that, with regard to no part of

the continent of America, either in the North or in the South, is there a despotic power vested in any one head, or in any small or oligarchical body. Even those provinces which formerly belonged to Spain and Portugal, however ill they may have carried the principle into effect, have acknowledged the representative principle of Government. If, then, you were to have in Lower Canada a large population—a population of not less than 150,000 of British descent, with a state of the law by which their wishes were not at all consulted, by which an arbitrary power was enabled to rule, and of the termination of which there was no speedy prospect, I think you would soon find that there would grow up a feeling of discontent on the part of both races—both of the British races who have been accustomed to freedom and the practices of freedom—and of the French race, who would remember that they had not long ago enjoyed very great power in the choice of the Assembly. If, then, this plan would not be sufficient, let us consider next the plan which I find to have been suggested by Sir Francis Head, Lieutenant-governor of Upper Canada—namely, that the district of Montreal should be added to Upper Canada, and that Lower Canada should be differently governed. That would apparently provide for some of the wants of Upper Canada, but I do not think it would do so in effect; because, if you still have a French Assembly in Lower Canada, although the interruption to trade might not affect the same parts, there would be the same spirit prevailing, and the same obstacles to that free enjoyment of trade which the people of Upper Canada had a fair right to expect. But there is this further consideration. This plan seems to be adopted solely for the benefit of the province of Upper Canada, without the interests of the inhabitants of Lower Canada being at all consulted. Now, as affecting Lower Canada, if such a plan were made permanent, you would neces-

sarily reject that which I just now spoke of—namely, that of having a Governor and Special Council, and you would be obliged again to resort to an Assembly with an overwhelming majority of members of French origin. I think, after what has happened, after the declarations made by the Assembly of Lower Canada — after their refusal to legislate unless powers were given to them which had been already shown to be incompatible with the political condition of the province, and destructive of British interests there, if you were to have the British population of Lower Canada again subjected to the revived predominance of a French Assembly, it would excite the greatest degree of discontent, and I am prepared to say of just discontent on the part of that population, as well as on the part of the Imperial Parliament. Then, Sir, I know not, taking the matter in this view, and considering what the remedy ought to be, if you can neither establish an arbitrary government in Lower Canada consistently with your general principles, and with the consent of the province, and if you cannot re-establish a separate Assembly, I know not what plan you can resort to, unless it is by an union of the two provinces to give to the British population of Upper Canada, and to the British population and French population of Lower Canada, equal and free institutions, by which a representative constitution may be carried into effect, and all the means of promoting the prosperity of both provinces may be fully obtained. Thus, then, I arrive at these general conclusions in balancing these propositions. I say, first, if you look at the history of what has occurred since the enactment of 1791—if you look at the difficulties of administration, at the insurrections, at the want of good laws in Lower Canada, you are led to the conclusion that those evils have flowed from the separation of the provinces. If, again, you look to the remedies that can be applied—if

seeing what you must see, that the present state of things being only temporary, it is necessary to lay down a foundation for some permanent settlement of the provinces—then you must feel that any foundation must fail of producing the desired effect, unless it be a proposition for the union of the two provinces. From a consideration both of the evils and of the remedy, I am irresistibly led to this conclusion. There is another scheme which I have not mentioned—because I believe it has been at present abandoned by its proposers:, I mean the scheme for the confederation of all the North American provinces—each province having a separate Assembly, and, at the same time as it were, one supreme Assembly over all. Upon that subject, more than a year and a half ago, I consulted a person, whose opinion is always deserving of great weight in reference to this particular question, and to all matters concerning Canadian affairs, I mean Sir James Kemp. I asked him his views, and he told me that he was convinced, from the state of the provinces, and of the communications between Nova Scotia and New Brunswick, and Upper and Lower Canada, that such an union would not be practicable; that it would lead to the greatest inconvenience on the part of the representation of New Brunswick and Nova Scotia; and that he would strongly dissuade the Government from entertaining such a proposal. That was the opinion of Sir James Kemp before Lord Durham went out to Canada. Lord Durham went out, after considering every plan, very much disposed to favour the plan for a general union of the provinces; but the result of all the communications he had had with persons there and in this country, interested in the welfare of Upper Canada, and of the British population in Lower Canada, had led him to the conclusion that he could not, consistently with his duty to the Crown, recommend such a union. Having thus stated the general reasons which

weighed with us in favour of the legislative union of the two provinces, I think it only necessary to state shortly, at present, the principles upon which we think a legislative union ought to be founded. One main consideration evidently is, in what manner the representation is to be formed?—whether it is to be a representation, giving to each province a certain fixed number of members, or whether it is to be a representation giving a certain number of members in proportion to the population, or what other scheme? Upon considering these various matters, and discussing each proposition, it is our opinion generally, that you ought not to lay down any precise number of representatives for Lower Canada and for Upper Canada, and that likewise you ought not to lay down as a principle, that the population alone should be considered. It seemed to us, that it would be necessary, in forming the union, and before that legislative union could be properly completed, to have taken into consideration all the matters relating as well to the population as to the territories upon which a good representative system may hereafter be founded. Whatever may be the case with regard to old countries, in providing a representation for a country which twenty years ago had hardly any inhabitants, but which has now become very populous, it is necessary to keep in view that the same increase of population may go on, not only by births, but by immigration; and that, therefore, it would be proper to combine the consideration of territory with population, and to lay down, as a general basis, that you will combine those two principles, and give a representation which may not be actually suitable to the amount of the population at present, but which several years hence would more correctly be a representation of the people, than if we were to lay down for their guidance the present state of the population. In taking this principle, it appears to me a reasonable proposal.

One great advantage and effect of this principle would be, to give greater weight to the British inhabitants of Lower Canada, because many of the evils of Canada have flown from the extreme jealousy of the French inhabitants, and the introduction of new laws, new enterprise, and new trade into their province. I think the true policy of this country, not only with regard to England and the Imperial Parliament, but as regards the future interests of Upper Canada, is to give a British character to the whole province, to allow British laws and British legislation to have a thorough scope;—to take care, by all means, that the French population shall not be oppressed, that they shall not suffer from any injustice, but at the same time not to allow their jealousies and their attachments to their own customs to stand in the way of that great progress which I trust Canada is destined to make, and which alone can make either a province or a state prosperous and happy. Such, therefore, would be the general principle of that united legislature which we recommend; but it is a general principle, which the House will perceive cannot be carried into effect by any bill at present to be introduced. It is a plan which will require previous inquiry on the spot from persons who have an intimate knowledge of the state and circumstances of Canada. There is one portion of Lord Durham's report to which I will immediately advert in connection with this subject. He proposes that there should be power given to the Governor to suspend by proclamation the writs for any electoral districts in which any disturbances may have taken place, stating specifically the grounds for such suspension. This appears to us very objectionable. The Governor might, indeed, state the grounds of his determination fairly, but it would always be suspected that the real grounds were in order to give an advantage to one party over another. It therefore seemed to us better to adopt some general

principle, such as I have already mentioned, and better to delay carrying into effect those principles for some considerable time, rather than run the danger on the one hand of appearing to introduce the representative principle, at the same time introducing it with such large and objectionable exceptions; or, on the other, of giving representatives to a district almost universally engaged in insurrection, and whose presence in the Assembly could really lead to nothing but dissension and mutual accusation; it appears to us, therefore, both on the one ground and on the other, that it is better to postpone to a future period the calling together of any Assembly for legislative purposes. We accordingly propose that no Assembly should be called together for the two united provinces till the year 1842. It follows, as a necessary consequence, that we should propose to continue all the temporary powers now granted to the Governor and Special Council till that period. I will now advert to some of the proposals contained in the report of Lord Durham, which I greatly regret have not been more developed than they have been. I do not think that blame is attributable to Lord Durham for the want of greater development; because to whomsoever blame may attach, from the abrupt termination of his Government, he had not the means of sufficiently discussing the particulars and details of each of his propositions in a manner which might have entitled them to the confidence of Parliament and of the Crown. He proposes, that there should be local elective bodies in the provinces subordinate to the general legislative body. In that proposition we are disposed to agree. We think there should be elective bodies in the nature of municipal bodies, with power to levy local taxes for the formation of roads, bridges, and all other necessary local purposes. He also proposes, that there should be a supreme court of appeal for all the North American

colonies. That is a question, however, which must be reserved for a separate measure. With regard to the constitution of the Legislative Council, the report of Lord Durham does not contain any very different proposal from the resolution of this House, which declared, that it was not expedient to give the Legislative Council an elective character, but that it was expedient to give it greater weight, with a view of inspiring greater confidence in its proceedings. It appears to us that the best mode by which that could be effected, without adopting the principle of election, and which would seem to give it some conformity with the character of a representative council, would be, to make it necessary, that the persons appointed to the Legislative Council, should either have been members of some popular assembly to which they had been elected by the people, or have been placed in some office by the Crown which might serve as a proof, that they were persons to whom the public or the Crown had thought fit to entrust important duties. Of the management of the Crown lands, which is a very extensive subject, it is not necessary for me to say anything. We shall propose, with regard to the Crown revenues, that the Assembly shall have the power of applying them when a provision shall have first been made by that Assembly for an adequate civil list. It is very evident, that the disputes which have arisen between the Crown and the popular Assembly on the subject of the appropriation of the public money can only be stopped, if stopped at all, by complete confidence existing both on one side and on the other. If you give to the Assembly, power over the greater part of the revenue, and at the same time withhold a part, and refuse to them the administration of that part, that body will entertain the same feeling of jealousy with regard to that part so withheld, which they have done with regard to the whole. If, on the other hand, the

House of Assembly should refuse to make a permanent provision for the salaries of the public officers, and for the necessary administration of the Government, and of justice, in the colony, they would completely paralyze the Government, and on their side could not, therefore, expect the Government of the colony to be carried on in a manner to their own satisfaction. There is another question upon which I am now going to state an opinion, which question I think is of the very greatest importance, and upon which Lord Durham has expressed an opinion contrary to that entertained by this House—I mean the question with respect to the responsibility of the individual holding the office of Governor in the province. Lord Durham has stated, that an analogy existed between the representative of the Crown in the colony and the constitutional responsibility of the Ministers in this country. He states that, as soon as the Ministers of the Crown have lost the confidence of the House of Commons in this country, they ceased to be Ministers, and that they could not go on with the Government in a constant minority. He adds, that it is certainly a most unusual case for a Ministry to go on for several months in a minority—and he then attempts to apply that principle to the local Government of Canada. Now, the Resolution of the House on this subject was in these terms:—'Resolved, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to that responsibility demanded by the House of Assembly of that province.' This House upon my motion came to that resolution, and I must own, that there is nothing in this report which has at all in my mind shaken the argument by which at the time I supported that Resolution. It does not appear to me, that you can subject the Executive Council of Canada to the responsibility which is fairly demanded of the Ministers

of the Executive power in this country. In the first place, there is an obvious difference in matter of form with regard to the instructions under which the Governor of a colony acts. The Sovereign in this country receives the advice of the Ministers, and acts by the advice of those Ministers, and indeed there is no important act of the Crown, for which there is not some individual Minister responsible. There responsibility begins, and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown on the responsibility of a Secretary of State. Here then at once is an obvious and complete difference between the Executive of this country, and the Executive of a colony. The Governor might ask the Executive Council to propose a certain measure. They might say, they could not propose it, unless the Members of the House of Assembly would adopt it, but the Governor might reply, that he had received instructions from home commanding him to propose that measure. How, in that case, is he to proceed? Either one power or the other must be set aside. Either the Governor must control the House of Assembly, or else the Governor must become a mere cipher in the hands of the Assembly, and not attempt to carry into effect the measures commanded by the home Government. But, if we endeavour to carry out this analogy, there is one case which all the world allows is a case in which it could not be applied—I mean the case of foreign affairs. If the Assembly of New Brunswick in the late collision carried on a dispute with the North American States. [*Interruption. Cries of 'Order!'*] The subject (continued the noble Lord) is certainly a very important one, and although I may express myself in very inadequate terms, yet I do conceive, that, as it is in my opinion, one of the most important points contained in

Lord Durham's report, and one on which I differ with him, I ought to state the grounds of that difference. I say, if the Assembly of New Brunswick had been disposed to carry the point in dispute with the North American States hostilely, and the Executive Council had been disposed to aid them, in my opinion, the Governor must have said, that his duty to the Crown of this country, and the general instructions which he had received from the Minister of the Crown, did not permit him to take that course, and, therefore, he could not agree with the Executive Council to carry into effect the wish of the majority of the Assembly. That is allowed. Does not then this very exception destroy the analogy you wish to draw, when, upon so important a point as that of foreign affairs, it cannot be sustained? Again, neither could this analogy be maintained with regard to trade between Canada and the mother country, or Canada and any foreign country; how then can you adopt a principle from which such large exceptions are to be made? If you were to do so, you would be continually on the borders of dispute and conflict; the Assembly and the Executive, on the one hand, requiring a certain course to be pursued, while the Governor, on the other hand, would be as constantly declaring, that it was a course he could not adopt; so that, instead of furnishing matter of content and harmony in these provinces, you would be affording new matter for dispute and discontent, if you were to act upon this supposed analogy. But, supposing you could lay down this broad principle, and say that all external matters should be subject to the home Government, and all internal affairs should be governed according to the majority of the Assembly, could you carry that principle into effect? I say, we cannot abandon the responsibility which is cast upon us as Ministers of the Executive of this great empire. I will put a case, one merely of internal concern that occurred

only the other day. Let us suppose that an officer of militia in Upper Canada, after an action, was to order that the persons taken in that action should be put to death on the field. I can conceive it possible, in a state of exasperation and conflict with the people of the neighbouring state, that the Assembly might applaud that conduct, and might require that it should be the rule, and not the exception, that all invaders of their territory should be treated in that manner, and that the parties should be put to death without trial. Supposing that to be the case, could the Government of this country adopt such a rule? Could the Secretary of State for the Colonies sanction such a rule, and not decide as his hon. Friend, the Under-Secretary had done, that such a practice would meet with his decided reprehension? It was quite impossible to allow it to be laid down as a general principle, that any part of the government of this country, conducted by Ministers having the sanction of this House, shall be overruled by a colony, and that such colony shall not be subject to the general superintending authority of the Crown of these realms. I can conceive, Sir—and I think that it would be the part of wisdom and of justice to say—that there are matters affecting the internal affairs of these provinces, that there are matters in which neither the Imperial Parliament nor the general Government need interfere, and on which they should be anxious to consult the feelings of the people of the colonies. It seems to me, Sir, as much a rule of sense as of generosity, that there are some questions on which it would not be desirable, that on the opinion of the Secretary of State for the Colonies, the opinion of the House of Assembly should be put aside. I know no reason why the Legislative Assembly, whether of each, separately, or of both provinces united, should not be listened to with deference; but I am not prepared to lay down a principle, a new principle, for

the future government of the colonies, that we ought to subject the Executive there to the same restrictions as prevail in this country. Adopting the general view sanctioned by the report, it has been necessary for me to mark the differences which I feel respecting some of its suggestions. It is stated in the report, that the past provision in the Act respecting the clergy reserves, as a security for the existing endowments of the Catholic clergy, should be guaranteed by a public Act. I think, Sir, that this is one of the subjects which may be left to the consideration of the Legislature of the province, for there has been a great anxiety in both provinces to administer religious instruction, though there has been great objection to the application of particular funds, more especially of the clergy reserves, to that object. But, Sir, whatever the opinion of the local Legislature may be, I would rather have that opinion pronounced before the opinion of the Imperial Parliament shall be taken on this subject. It remains only that I should state what appears to have been the opinion entertained in Canada generally as to the proposition of an union of the two provinces. It seems that in Lower Canada there has been for a very long time a strong party anxious for an union, and declaring, that it is the only means by which the true interests of the country can be provided for. This is distinctly stated in several of the addresses agreed to by different associations; it was especially stated in the address of one association at Montreal, presented to Lord Durham, and it had been stated previously by the British inhabitants of Lower Canada, that they looked for security to the proposal of re-uniting the two provinces. This year, the Legislature of Upper Canada have decided in favour of a general adherence to the proposal for union, but, at the same time, insist upon conditions and terms

which cannot, in my opinion, be reasonably or fairly granted: They say

'Resolved, That the experience of the past year confirms the House in the opinions then expressed, and they are still of opinion that a united legislature for the Canadas, on the terms then proposed is indispensable, and that further delay must prove ruinous to the best interests of the Canadas; and it was resolved also, that as a measure deeply affecting the future interests of this province is now pending before the Imperial Parliament, it is of the utmost importance that one or more authorised agents, deputed by this House, should proceed forthwith to England to represent the true interests and opinions of her Majesty's faithful subjects in Upper Canada.'

This resolution was adopted by a considerable majority of the Legislative Assembly. The Legislative Council, however, after a long discussion of the proposal for an union, rejected it by a majority of ten to eight, being only a majority of two. Further accounts have been received to-day with respect to the manner in which the Legislative Council and the Assembly have proceeded on receiving the report of Lord Durham. It appears, that both the Legislative Assembly and the Legislative Council thought themselves unjustly assailed by the report, and they had deemed it necessary to appoint a committee, who had drawn up a long report of the transactions in Canada, and the Legislative Council came to a resolution which seems to have been acquiesced in by the Legislative Assembly, not to send the two agents to England to represent their views. They had, however, sent an address to her Majesty, in which they refer to the report of their committee of April 30, 1839. In this report they came to a decision upon two points, which were important. They say that the proposal of the legislative union

of the two provinces, and of the responsibility of the officers of the Government to the Legislature had undergone an investigation, and the deliberate judgment of the House. To the first they assented, and the second they pronounced to be inconsistent with the dependence of the colonies on the mother country. With regard to those two propositions, I have stated that what I propose is, in principle, the same as that to which they have assented; and it can hardly be expected that we here should take a view of their interests so confined to the province of Upper Canada, as the Assembly of that province have done; and as to the disagreement with some of the recommendations of the report, I have already stated my own dissent from the same recommendations. Alluding to this report, in their address to the Queen, they make this request:—

'In this report (Lord Durham's) your Majesty's faithful subjects find many statements deeply affecting the social and political relations and conditions of Upper and Lower Canada, and recommendations of several important changes in the form and practice of the constitution. It is with much concern your Majesty's faithful subjects find that your Majesty's High Commissioner has strongly urged the adoption of these changes by your Majesty in the Imperial Parliament, without waiting for the opinion which may be formed of them by the people the most deeply and immediately affected by them. Under these circumstances, we have caused a report to be drawn up by a select committee of the House of Representatives, which contains matter referring to this subject, as well as to our relations with the people of the United States, which we respectfully submit for your Majesty's consideration, and, in the fullest confidence in your Majesty and the Imperial Parliament, we commit ourselves to that superintending power to which, as loyal people, we owe implicit obedience.'

Now, with that opinion before us, and with that address on the part of the Assembly of Upper Canada, it appears to me that we may well proceed to adopt this principle as to the future government of the two Canadas, and consider it as settled. I do not think, that with this address, with this prayer coming from a loyal people, coming from a people attached to the Crown of this country, and attached also to the institutions of this country, that we should be justified in proceeding to enact the details of the plan without consulting the people of Upper Canada, and without knowing their objections to the particular details of the plan. I shall, Sir, introduce a Bill, if these resolutions are adopted; but, I say, with the information at present before us, and in the present state of public affairs, that I do not think that we should come to a satisfactory settlement of this great question, if we were to press the House to go into committee on a Bill containing enactments of details, without further concert and information. I wish that the ties which unite this country with the Canadas may be drawn closer, and may not be relaxed, that nothing may be adopted to weaken the sympathies of subjects so devotedly loyal; therefore, having the same object with them, I wish to found a measure on the same principles as those on which they have formed their proposition, and shall be content to confirm that principle now, and to subject the details to their examination and their consideration. I hope that this may be done in such a manner as to conduce, in the end, to the freedom and the happiness of those colonies. I feel, Sir, that this is a question which deeply affects this country, as a question of power; but I feel that it affects still more deeply the future happiness, the future welfare, and the future freedom of two millions of the Queen's subjects on the other side of the Atlantic. And, Sir, anything that affects Canada, though it may not directly

touch Nova Scotia or New Brunswick, will necessarily have an influence on those two provinces. Indeed, with regard to all her Majesty's subjects, I believe that I am proposing a course of proceeding which will tend to the happiness and welfare of the whole. In that spirit I hope that the question will be discussed; and in that spirit I ask the House to assent to these Resolutions. And, Sir, I am glad to repeat what I stated at the end of the last Session of Parliament, that in all the discussions on Canada, though there may be a difference of opinion as to some points, and though there may have been considerable deliberation upon others, yet that finally a large majority of this House agreed to one course, and that there did not appear, with reference to any point that any other than a great national object was looked to, and there was no other wish than to consult the permanent general interests of the country. And it is with the confidence I have acquired from referring to that statement that I now propose the present resolutions to the House. They embody the opinion which her Majesty's Government have, after much anxious deliberation, decided upon; it may occur to others to take a different course, which may be better; but I own, that, weighing all the difficulties of the case, I cannot see any course which will tend to promote the great object of securing freedom to her Majesty's subjects in North America so well as this, and I submit these resolutions to the House, in the full confidence that they will be fairly considered and dispassionately discussed. I propose, after the question has been put, that the discussion shall be adjourned till Monday next, and, in the mean time, I will not ask for any opinion of this House.

The noble Lord concluded by moving the following Resolutions:—

1. That it is the opinion of this House that it is ex-

pedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the United Province.

2. That it is expedient to continue till 1842 the powers vested in the Governor and Special Council of Lower Canada by an Act of last Session, with such alterations of those powers as may be deemed advisable.

EDUCATION.

June 20, 1839.

LORD JOHN RUSSELL at an earlier period of the debate, should certainly have thought it his duty to endeavour to vindicate the plan of education proposed by the Government from the various and numerous misstatements and misrepresentations which had been adduced on the subject in the course of the present discussion; but their great variety and number deterred him from entering on the task, and he felt, at that time, that it would be fitter to request the attention of the House to the principles called in question by one side and the other, and endeavour to show how far they were contained in the plan under the consideration of the House. Now, he must say, that he thought the right hon. Baronet who had just sat down had but incompletely answered the arguments of his right hon. Friend, the Chancellor of the Exchequer. His right hon. Friend had said truly, that excitement had been produced against the plan by not stating its principles fairly; and he asked hon. Gentlemen opposite to state the truth openly to the country, that the Government plan was opposed on the distinct ground, that no system of education was to be hereafter supported and

encouraged by the State, unless it was conducted under the exclusive control and direction of the clergy. The right hon. Baronet had not directly maintained that doctrine himself—and the right hon. Baronet had denied, that the noble Lord who commenced this debate had ever supported that doctrine. Supposing, then, hon. Members opposite had not done so directly and openly, they had at least advocated that policy by implication; and although the right hon. Baronet was quite willing to allow complete toleration, he still considered, that to aid the education of Dissenters with the money of the State was inconsistent with the principles of the Established Church. From the principle of the right hon. Baronet he entirely dissented. They might as well adopt the principle which the noble Lord, the Member for North Lancashire had adopted from the enlightened times of Henry IV. They might say, that to the Church, and to the Church only, should be left the education of the people; but by that must be meant such education as the Church were prepared to give with their own funds, their own colleges, and without asking in a committee of supply for a vote which in the times of Henry IV. the Parliament would not have been asked for. When they said, as he thought they had done by their former votes on this subject, that the public ought to promote education by grants—when they said, that out of the taxes should come those grants, and that schools should be supported by those grants, he could not support the principle, that any person should be debarred from the benefits of those grants, and by giving to certain classes, names which might be unpopular, that they should be debarred from the fruits and advantages of the public money, which was taken indiscriminately from their means and resources, as well as from those who belonged to the Established Church. In asserting that to be the principle which he maintained, he denied

that he was departing from the real principles of the Established Church. He held, that throughout this country, teachers of the Established Church should be maintained, but he did not consider, that those teachers should have the entire control of the money to be appropriated by the State for education. While he admired the exertions of the Church, he utterly denied, that in proposing this vote for public education, he was bound by any such rule. It was a different matter how the principle which he maintained should be carried into effect. The first plan proposed by the Government had been objected to on a misapprehension. It had been supposed, that the principles of the model school were to be adopted as the guide and rule of all schools throughout the country. On that subject he would venture to read an extract from what he had said on this subject in introducing the subject of education to the House in February last. He had then alluded to the difficulties which attended the establishment of any combined system of national instruction in these terms:—

'It was obvious, that a Government attempting any system of education in our own country would find the ground in a very different state, because it had been occupied in great part by those societies and institutions which had voluntarily undertaken the task of educating the people. They would find it occupied to a certain extent by the Established Church, and in other parts by the Wesleyans and other Dissenting societies, who gave education according to their own religious principles. For these reasons it would not be possible to establish any system of education which should at once supersede those recognised and established modes; and even were the new system allowed by Parliament generally to be a much better system of education than those at present existing, it could not be expected immediately to supplant and

come in the place of those various schools at present in operation; in short, no general system could be introduced without doing violence to the habits and feelings of the people of this country. Such a plan was unsuited to these kingdoms, and was likely to be unsuccessful if attempted.'

On the subject of normal schools he had also said that—

'He was ready to state to the House what were the measures which the Government thought were in the first place most desirable. He would say, then, that the measure which was most desirable was the establishment of a good normal school. He said a good normal school, for whatever might be the religious differences of the Church and the British and Foreign School Society, yet there must be questions which were not at all touched by their differences, in relation to which he thought, that persons must find the systems of both of them defective, and he thought it would also be found, that there were modes of education, some of which were in operation in foreign establishments, and others in this kingdom, by which the general system of education in this country would be much improved. It would, therefore, be the endeavour of this body to apply the money granted by Parliament in the first place to the foundation of a normal school, and to make it as perfect as possible.'[1]

And yet in the face of that express and distinct statement it had been argued, that the principles of that model school were to be enforced in all schools throughout the kingdom. Hon. Gentlemen had talked of the difficulty of carrying out a combined system suitable to each religious sect; and the noble Lord, the Member for Dorsetshire, had argued for half an hour against what he termed a principle of general religion. The only mis-

[1] Hansard, vol. xlv. pp. 275 and 281.

fortune was, that the terms general religion were not to be found in the Government plan. But the difficulty of providing a system agreeable to different religious sects had been overcome, not only in the schools of the British and Foreign School Society, to which he had for many years belonged, and whose principles he adopted, but by many of the Established Church. He had been told, that in these schools the rule was, that the Scriptures should be read in the week days, and the catechism be reserved for Sundays, so that Dissenters might send their children to their own places of instruction on the Sabbath. So far, therefore, from this being an insurmountable difficulty, it was one that was overcome every week in the year, not only by those whose plans the Government were said to adopt because it was not religious, but by clergymen of the Established Church, who wished to instruct the people of their parish, and yet made allowance for Dissenters, without uncharitably excluding them from their schools. He did not wish to go into the phrases that had been used with regard to the first plan, but he was ready to declare that the principles of that plan were sound, and to defend the mode in which it was proposed to carry that scheme into effect. But hon. Gentlemen had, in that House, gone far beyond what was said by the ministers of the Established Church. He had heard it stated as a proof of the Government scheme being irreligious, that anything might be taught in the schools which was not the doctrine of the Church of England or of some particular sect. Did they mean to say there could be no religious instruction except that which was confined to the distinctions between different bodies and sects of Christians? Was there to be no religious instruction except that which discriminates between Protestants and Papists, and between Presbyterians, Anabaptists, and other sects of Christians? Now, there was one book which he thought no person

would object to his quoting; it was 'Dr. Paley's Evidences of Christianity,' and in that work Dr. Paley said, at the conclusion of his Preface, that he had framed his arguments in such a manner as not to offend any particular class of Christians who held certain tenets, but agreed on the general points. Now, if that book, which any person might be glad to read and draw instruction from, and which we were told was written to prevent infidelity, was not to be objected to from being general with regard to adults, to whom it was directed, why might not some general system apply to children under fourteen years of age? He could mention the works of many persons who were greatly admired, although they were not of our own Church, to the same effect. There were the works of Fenelon; that excellent man had written an admirable treatise on female education; he had spoken of the manner in which religious education should be given—not in a formal manner, as a Catechism learned by heart, but that the thought of the child should be directed to what he learned. It was certainly said of that work, that it was a proof Fenelon was not a good Roman Catholic with respect to the education of children, because he did not keep to the particular doctrines of the Roman Catholic Church, and point out the differences between the Roman Catholics and the Protestants. The doctrines that were now put forth by hon. Gentlemen opposite might be true; but he would rather imbibe the errors of Paley and of Fenelon than bend to the authority of the new doctrines which were now proposed. The hon. Gentleman, the Member for Newark, with other Members, maintained the exclusive doctrine. That hon. Member had said at the time, though somewhat irregularly, that such doctrines would lead to persecution and intolerance, and it was clear from what the hon. Gentleman had said, and from what he (Lord John Russell) had read of the hon.

Gentleman's writings, that his objection did not apply only to this new grant for education, but to the religious liberties which were already established. The general system adopted in this country was attacked, it was considered as a matter of capitulation and of treaty which could not now be violated; but hon. Gentlemen refused to admit the principle, and there was no part of the religious liberty of this country, from the passing of the Toleration Act to the present time, to which they were not opposed, and against the principles of which they did not protest. He must state farther, with regard to the principle which was now proposed, and to the way in which it was intended to carry it into effect, that hon. Gentlemen opposite did not entirely object to the principle—they seemed almost to admit it. The grants were to be made to the National and to the British and Foreign School Societies, in some cases not through the medium of those societies, on the ground of the poverty and the population of particular districts, or through the medium of schools not connected with those societies. The exception taken by the hon. Gentlemen was to a small part of the plan. Some parts of the plan they did not deny to be good—they denied the second principle in the plan, and on that the present Motion was founded. 'It is very well to adopt the plan of instruction,' said they, 'when the fund is administered through the medium of the Board of Treasury! The Chancellor of the Exchequer sitting at the Board of Treasury is a very harmless person, but the Chancellor of the Exchequer sitting at the Board of Privy Council is a most dangerous enemy.' He did not mean to contend that the plans were identical, that there was no change between the one and the other. There was this difference, that there was to be a future inspection of the schools, and that there were to be reports as to the manner in which the schools were conducted. He

thought that it was a great misfortune that a great deal of the education which was given in this country—and here he was not speaking with reference to the Church, for he did not wish to blame, on the one part, the Church for what had been done for education, nor to blame the two great societies on the other — was not what was properly called education;—it was a certain degree of instruction which enabled the pupils to read, and to write, and to cipher; but it did not affect the hearts and the minds of the people instructed. It was not sufficient to tell him that 590,000 persons were educated in the National Schools, and that nearly a million attended the Sunday Schools, for he was obliged to say from all he had heard, and from various reports which had been made to the Government and to Parliament, that the quality of the education was exceedingly defective. He might read numerous passages from reports on this subject, but he would confine himself to one or two from the reports of the chaplains of gaols, who were members of the Church of England, pursuing their most useful and meritorious duties. The chaplain of the gaol at Lancaster said in his report of 1838, that

'516 prisoners were quite ignorant of the simplest truths, 995 prisoners were capable of repeating the Lord's Prayer, 37 prisoners were occasional readers of the Bible, 7 were familiar with the Holy Scriptures and conversant with the principles of religion. Among the 516 entirely ignorant, 124 were capable of repeating the Lord's Prayer. This last table corresponds in its general features with that of last year; and I can add little to the observations which I then made upon the subject of ignorance in religion, unless it be to state that very few of the whole 1,129 persons, probably not more than 20 or 30, had habitually attended any place of divine worship. This estimate will be almost undisputed by all those who have observed the almost

general desertion of the house of God by that portion of the working population which consists of males in the prime of life; and I think, that if the subject were investigated, it would appear, that this desertion is in the ratio of the density of the population. Village congregations would be found least obnoxious to this remark, and those of large towns most so.'

He would ask whether this were not a dreadful peculiarity in the state of society? Was it not dreadful to think, that where there were the most criminals, and where the population was the densest, and where there ought to be as complete education as possible, the house of God (by which no doubt the reverend Gentleman meant all places of religious worship) was deserted by that portion of the population which consists of males? He would ask, whether, it were not desirable that the serious attention of the House should be directed towards doing something by which the instruction of the people would be farther promoted? He could not say, that he thought much of the objection, that in one place they would be instilling some portion of the doctrines of the Roman Catholics, and that in another, the rules of Socinianism might be taught, for there was the great and countervailing advantage of imparting knowledge, and of giving instruction in the simplest elements of religious truth. And even if he agreed with the hon. Gentlemen opposite in their opinion of the character of the doctrines of Roman Catholics and of Unitarians, yet he was not prepared to say, that there was not more danger of promoting practical infidelity by total ignorance, than of infidelity gaining ground among a dense population of artizans and labourers, who were forced to earn their daily bread, by the specious and theoretical influence of refined arguments, which rarely reached the heart and soul of more than a small portion of the community. He

had given one extract from the opinion of the chaplain of the county gaol of Lancaster, and he must give another from a report which he had received only two days ago, from a clergyman, for whose report he had not asked, whom he had never seen, but whom he had, from his merits and for his high character, appointed to the situation of chaplain to the prison for juvenile offenders at Parkhurst. In that report, he said :—

'In reviewing and digesting the details exhibiting the religious and moral condition of the prisoners on entering Parkhurst prison, one point has (even with their present limited number) forcibly struck my attention, and that is, the comparatively large amount of acquirement in the mechanical elements of instruction, by means of which that condition is improved (the art of reading and repetition from memory), contrasted with the lamentably small degree of actual knowledge possessed, either of moral duty or religious principle. This appears mainly to have arisen from the meaning of the word read, or sounds repeated, having rarely been made the subjects of enquiry or reflection. The following digest will in some degree illustrate this position. Your Lordship will perceive, that although 58 prisoners can in some degree read, 83 repeat some or all of the Church Catechism, and 43 possess some knowledge of Holy Scripture, only 29 (exactly half the number of readers) can give even a little account of the meaning of words read or sounds in use. And of these it often appears to be the strength of the intellect exercised at the moment, and not the result of memory, that leads them to the meaning of a word. A few of this class are included in the number not able to read. Another feature of the moral condition of the Parkhurst prisoners cannot but arrest the attention strongly, and that is the very large proportion that have received instruction for a considerable period of time in the various schools with which our

country abounds. A digest of this portion of the general table will show, that out of 103 lads, 95 have attended schools, 70 of whom have been day scholars, for terms longer than a year, eight only having never been at school; and of the 51 prisoners with whom the prison opened, and who formed the subject of my February report, only two are in that condition. Two of those mentioned to your Lordship, as being such, I have since ascertained, have been at school.'

Now, he said, that what really deserved the attention of the House was, that though under the present system many were able to read, and had received the elements of education, yet that what was wanted, and what they ought to attempt, was to give such instruction as would excite the intelligence of the children, raise their curiosity, teach them the meaning of words, and implant in their hearts those doctrines which were to be their guides through life. If that were the case, was he to blame because he said that in continuing the grants for public education, the committee of the Privy Council should not only give the money in proportion to some financial statement of the amount of subscription raised, or of the quantity of brick and mortar that might happen to be put upon the ground, but should ask for an inspection, and for a report of what is actually learned? He thought that there was a great improvement in the modern art of teaching —for though teaching was followed by great men in other periods, yet the improvement in the art was not brought down to the poorer classes till late years—that improvement, instead of burdening the memory, and rendering learning irksome and disagreeable, taught the child to instruct himself, and to follow with curiosity the lesson which he learnt, so that, if he were afterwards asked by his master as to what he had learnt, he would be able to describe it. This system not only prevented the irksome-

ness which was formerly felt in common school exercise, but would apply to the instruction of the child in morals and in religion, and in useful arts. This was the system which was misrepresented. Advantage was taken of it, and they were told, 'The meaning of your inspection is to make rules and regulations with respect to religious instruction.' They might ask, however, whether, if the method of teaching general lessons were good, there would not be a strong presumption that the religious education would be good; but if a low and an ignorant and coercive mode of instruction in secular matters were used, the religious instruction would not be likely to be of such a character as to improve the conduct of the child in future life; the seed would have fallen on barren ground, and the instruction would be of no use. On these grounds he advocated the present plan of the Privy Council. It contained two great features, and it would improve the education of the people. He would not say that it was confined exclusively to the children of churchmen: the education, so far as it could, would be extended to all classes of the people, to whatever sect or religion they might happen to belong. Of course the greater portion of the fund would go to the members of the Established Church, which had the greater number of schools. The second point in the plan would give a good and efficient system of inspection. The plan which he proposed was not a new scheme of national education in the country; and so far from the scheme being out of the control of Parliament, it would be annually brought under its view; and, in future, the great subject of education will receive that care, that interest, and that concern on the part of the State, which it never hitherto has received. I feel, continued the noble Lord, the great difficulty of bringing forward a plan of education which may excite misrepresentation, be made the object of a party struggle, and may

raise the conscientious scruples and fears of persons of excellent intentions. I allow, I say, that this has pressed upon my mind, not only now, but in former times; and that I am aware of the obloquy to which such a plan may subject me. At the same time, Sir, I am of opinion that something must be done, and before I sit down, the House will allow me, I hope, to say a few words on the condition of the people, which seems to me closely connected with education, and with our conduct on this subject. Sir, when I recollect the conduct of former Governments, of Governments which existed twenty or thirty years ago, I cannot help thinking, that at the commencement of this Session, they would have endeavoured to excite alarm at the views of the Chartists, they would have excited the fears of the public, they would have proposed to suspend the *Habeas Corpus* Act, and that new laws of coercion should be passed: it would have been found easy to excite alarm, and, if the Government had proposed, in consequence of the alarm, to obtain laws to put down the Chartists, such laws would have been easily obtained. My anxious wish, nay, my anxious labour has been—without any alteration of the law, and without attempting any thing of that sort—nay more, being determined not to ask, till the last moment, for any suspension of any of the constitutional rights of the people—to meet, to encounter, and to subdue the apprehensions which for a time menaced the peace of society; but, in doing so, I have been convinced that every opportunity should be embraced, and every means taken, to secure the public peace, by improving the state of instruction—by advancing the religious feeling, and the moral condition of the people of this country. I am satisfied that we should have had power to carry laws which would have subdued discontent for the moment; but I am equally convinced, that the only permanent security for the country is to be found in the general knowledge of the

people, as well of their religious duties as of their moral obligations, and of their fortunate state as subjects in this free country. I feel, Sir, that in taking this course, and in making this attempt, I have had more opposition to encounter than I should have had, if I had taken the other course, and had proposed measures of severity and of coercion. But, Sir, I do not mind the opposition I have encountered. I am not to be deterred by the taunt of the hon. Member for Newark, who said that he wondered why, when we were defeated in our former scheme, we should attempt another, which is equally objectionable to Dissenters and to Churchmen. Although, Sir, my first plans were thwarted and defeated, at which the hon. Gentleman, no doubt, rejoices, I recollect that it has happened to me, in former years, to succeed in striking off from the Dissenters the degrading fetters of the Test and Corporation Acts. I am quite prepared for opposition to plans of this kind—I am quite prepared to find, that when they are first proposed, they should be misunderstood and misrepresented, and that even the 'no popery' cry should be revived and burnished up afresh—not, Sir, I fear, for the last time. Let the hon. Member for Newark take pride in such victories, but I do not believe that he will succeed in reimposing the fetters which have been struck off; and, Sir, I am fully convinced that, on further examination, the great cause of education, not only of the members of the Church of England, but of the whole community, will prosper and flourish, that the happiness of the people will be secured, and the degrading pictures which have been drawn of the population in 1839 will soon be regarded as pictures of a past time, and that the only wonder will be, that they could ever have been true representations of the condition of the people of England.

PRINTING THE BIBLE (SCOTLAND).

Monday, July 8, 1839.

LORD JOHN RUSSELL said, that the right hon. Baronet, the Member for Pembroke, had asked him a question regarding the renewal of the patent for printing the Bible in Scotland. He had then informed the right hon. Baronet that it was the intention of her Majesty's Government to constitute a Board for the purpose of superintending the printing and publishing of Bibles in Scotland, and that the Lord Advocate and Solicitor-general were to be Members of this Board. But as it was now intended to make some additions, he might as well state what they were. It was now the intention of her Majesty's Ministers to give power to certain parties to apply to the Lord Advocate for the time being, to print copies of the Bible on their subscribing a declaration that the person making the application was to act as editor, and entering into bond that they were to print according to the authorized version, transmitting a copy to the Lord Advocate, and sending the proof sheets to the Secretary to the Board. This permission was proposed to be granted to Bishops of the Scotch episcopal Church, or clergymen authorized by them, or Dissenting ministers sanctioned by Presbyteries, or Independent or Baptist clergymen, recommended by the ministers of their respective persuasions. These persons would have permission, on entering into the securities which he had explained.

SIR JAMES GRAHAM was much obliged to the noble Lord for the information he had given him on the former occasion, which he believed had given satisfaction to the Established Church of Scotland, and he thought it unfortunate that any notice of alteration should have been postponed to this late period, as the patent expired on the

17th of this month, so that there were only nine days to make objections. He was not prepared to state any opinion on the change that was proposed. He did not think, however, that the securities would be efficient. Spurious editions would be printed, and the penalty forfeited under the recognizances, although a punishment to the party would be no security to the public. He had little doubt that the alterations would meet with great objections on the part of the Established Church in Scotland.

Lord John Russell said, the right hon. Gentleman had somewhat misunderstood the nature of the change that was intended. It was not to depend merely on the recognizances, but to be accomplished chiefly by application to the Lord Advocate. The proof sheets were to be sent to the Board, and the publication would proceed under such inspection as the Board might think proper to order. With respect to what the right hon. Baronet had stated relative to the short time to elapse before the expiration of the present patent, it so happened that some of the leading Members of the Church of Scotland were now in London on other matters connected with that Church, with whom a consultation might immediately take place, and their opinions on the subject be thus ascertained. A Committee of the General Assembly had signified their satisfaction with the former plan, and he believed they would also be satisfied with the present one, notwithstanding the opinion expressed by the right hon. Baronet.

CONFIDENCE IN THE MINISTRY.

January 31, 1840.

Lord John Russell[1] said, Sir, at the end of four nights of debate, the right hon. Gentleman has made a speech of about three hours' duration, in support of a motion asking

[1] From a corrected Report.

this House to give advice to her Majesty, to pray her Majesty to dismiss those Ministers in whom she has placed her confidence, and to take other Ministers to her councils. The right hon. Gentleman's speech was divided into two parts. During the first half of it, he endeavoured to prove that this country is in a state of calamity, of internal discord and disorder, that our finances are embarrassed, that our credit is nearly ruined, and that our difficulties are almost irretrievable; and having for about an hour and a half proceeded in this strain, the right hon. Gentleman devoted the remainder of his speech to prove, that he was ready, and capable, and willing to remedy all these disasters, and that he was qualified to fill the highest place in the councils of the Crown. Sir, I have a right at least to expect some attention in my answer to that speech. I complain not of the Motion; I complain neither of the Motion itself, nor of the time at which it has been brought forward. On the contrary, I think, that if this House is prepared to give advice to the Crown upon the subject of the dismissal of Ministers, at no time can it be more fitting to be given than at the commencement of the session, when those who may take the great offices of the state, may have some time to look into our complicated affairs, that the session may thereby not be lost, and that some measures may at least be proposed by those to whom the confidence of the Crown is to be transferred. It is, therefore, with great satisfaction that I find this is not a Motion, like that which was brought forward last session with respect to Canada, as a kind of postscript to a different motion; that it is not a Motion like that regarding the reversal of our Resolutions respecting the Irish church, which, after plausible professions, tended to make an arrangement consistent with our character impossible; and last of all, that it does not resemble the Motion that was brought forward last year, to which the right hon. Gentle-

man so much alluded in the beginning of his speech—a motion going to the foundation of the Ministry, obliging them, as the result proved, to resign office into the hands of her Majesty: but nevertheless, brought forward with the declaration, that it was not to be made a party question; and I am glad, that at least, such is not the nature or aspect of the question with which the House has now to deal. Some complaint I may indeed make, and it is this, that the greater part of the debate has been employed in charges against the conduct of our internal affairs, and against the means taken for the repression of disorder and dissatisfaction, during the whole of last session of Parliament, when I had the conduct of those affairs—when during many anxious months I was employed day by day in providing against the dangers which day by day arose, and had in the evening to conduct the affairs of Government in this House: and during that time, there was neither a general complaint, neither was there what might have been fairly demanded if there were grounds of complaint, a demand for papers to be laid on the Table of the House, as has been done on several former occasions. I do not say this because these papers would have given a different aspect to the complaints of the right hon. Gentleman; but because it is but fair that the House should have at least some materials to go upon before they are called upon to form a judgment. I am compelled, therefore, to take a course which may be tedious, but which, in consequence of statements made on the other side, in justification of my conduct as Home Secretary, I am compelled to take. In doing this I am obliged to do, what I fear will be very unpleasant to the noble Lord, the Member for North Lancashire, who wishes to confine our attention entirely to the last five years. The noble Lord would not go beyond the last five years, he would not even refer to what had happened in 1829, nor allow us to quote pro-

ceedings in which he had no small share of credit, but on a different side and with a different party in politics. I cannot consent to adopt the limitation of the noble Lord. Regarding this question of the state of the country, I must beg to observe, that towards the end of the last century there was a great increase of population, an increase especially in the manufacturing towns, where people were gathered together in large masses without, as I remarked at the end of last session, allowing a gradual growth under the proper means of civil Government and religious instruction, which had attended the slower growth of the country. Thus there sprang up a people whom it was easy to inflame and excite by popular harangues, and by the press; by large meetings, and by inflammatory newspapers, which it was extremely difficult to keep within the bounds of law. Means were in those days taken to suppress these disturbances. The *Habeas Corpus* Act was suspended, and new laws were passed against treason and sedition, and prohibiting the attendance at public meetings of this kind, which proceedings were renewed from time to time till 1801, and which were justified upon the ground that they were necessary for the safety of the country. Lord Eldon many years after said, in the House of Lords, that he believed he had instituted more prosecutions than any Attorney-general, but that he found the existing laws totally insufficient to meet the emergencies of the times, and Mr. Pitt's Government was accordingly obliged to provide new laws for the purpose. In 1817, new disturbances broke out, and in consequence a secret committee was appointed to inquire into the state of the country. The *Habeas Corpus* Act was suspended, and remained so during the whole of that year. In 1819, fresh dangers arose, in description of which, he would beg to quote the statement of a noble Lord, then the foreman of the grand jury of Lancaster, and the father of the noble Lord opposite,

'That he was directed by the grand jury, as their foreman, to forward a statement, deduced from their inquiry into the state of the county (Lancaster), from which the following are extracts:—'From the result of that inquiry it appears, that the most inflammatory publications have for some time been industriously circulated at a price which puts them very generally into the hands of the poorest classes of society. The training and military drilling of large bodies of men, under regular leaders, have for some time been carried on to a great extent, and the times chosen for the purpose are principally during the night, or at such hours as seem best calculated to elude observation. Marching and other military movements are practised with great precision, and the words of command are promptly and implicitly obeyed.' . . .

'Whatever may be the real object of those who have obtained an influence over the minds of the misguided, there is reason to believe, from the declarations which have been openly and avowedly made, that the object of the lower classes in general is no other than to reverse the orders of society which have been so long established, and to wrest by force from the present possessors, and to divide among themselves, the landed property of the country.

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'Indeed in one populous district, no warrant for ordinary offences, or other legal process, can be executed; the payment of taxes has ceased, and the landlords are threatened with the discontinuance of their rents.'

In consequence of that state of things, the Ministry in that year introduced six different Acts for the maintenance of the peace of the country. I am not going either to defend or to arraign the course which the Government of that day took in suspending the *Habeas Corpus* Act, and restricting the right of public meeting. If there is any-

thing which I have learned from official experience, it is not to judge presumptuously or harshly of my predecessors in power, who, no doubt, considered that there existed very forcible reasons for the course which they then adopted. But if they thought themselves justified in suspending some of the most important laws of the constitution, I beg to say that I have been bred in a different school: I believe in the opinion expressed by Mr. Fox, that in such cases of great public danger it is necessary to put the laws into force, and that except on very extreme occasions there is something in the laws, and in the power of the constitution, by which such difficulties may be overcome, and such dangers suppressed, without having recourse to any violent interference with the constitutional liberties of the people. In one of the years just referred to, I, being a Member of this House, opposed a proposition for the suspension of the *Habeas Corpus* Act, not with any purpose of obstructing the Government of the day, but because I thought such a proceeding unnecessary. This I did in company with Sir Samuel Romilly, Sir James Mackintosh, and others, some of the wisest and best men of our time. When, therefore, I came into office in later years, I did not follow the course which was vulgarly, but often falsely, asserted to be usual with persons coming into office, namely—that of succeeding to the policy of the Government which had gone before, and abandoning the principles which I had declared when in opposition; but with those principles still in my mind, I have still thought that public dangers of this kind may be met with greater safety by not suspending any part of the constitution; and, accordingly, when the occasion arrived, I set myself to work, endeavouring by means of the law, and the law only, to suppress the disturbances which have broken out. Now, with respect to the nature of these disturbances, I think of them as I have on a former occasion intimated to the

House, that they were so far the more dangerous, as they appeared to be the result of two different sets of persons working to the same end; one of these parties, very honestly, perhaps, but I think very injudiciously, and certainly very violently and intemperately, calling for the repeal of the Poor-law Act, amongst whom was Mr. Oastler, who threatened that unless that object was soon obtained, he would resort to the dagger and the torch; the other of those parties demanding universal suffrage, but with it combining all those great and dangerous objects which my Lord Stanley, in 1819, said were in agitation in the county of Lancaster. The agitation of these topics, separately and together, produced a very great effect in stirring up the lower classes of society. In 1837 immense meetings were held. In 1838 the same proceedings were continued, but they generally dispersed quietly, without any violent infraction of the public peace. But soon after this Mr. Oastler called upon and advised the people to arm themselves, and in the beginning of December in that year, I wrote to Lord Melbourne, stating that various accounts had reached me, which convinced me, that there was a very dangerous spirit rising in some districts; that at the same time, I did not think that any general insurrection was to be apprehended, or that the disaffected parties had any regular leaders, but that I was afraid violent outbreaks might ere long occur, and probably be attended with loss of property and of life. Under these circumstances, I asked my noble Friend to order a proclamation to be drawn up, which, with the assistance of the learned Attorney-general, was according framed, and appeared in December, warning the people against the practice then prevalent of meeting at night by torch-light. In consequence of this proclamation, these meetings were almost immediately discontinued, the leaders of them having put out placards to put a stop to the practice. Other meetings, however,

took place, to which arms were brought, and another proclamation was issued, prohibiting such illegal assemblies. After this, I thought it my duty to correspond with the various authorities in the country, to see that the laws in these respects were properly executed. The House, I am sure, will appreciate the difficulties which beset me at this time, when compared with the former occasions of disturbance to which I have alluded, there being no peculiar circumstances to give weight to the public dissatisfaction displayed, of such amount as the agitation of the Poor-law question occasioned; and the Government of that day inspired terror by the 'extraordinary powers they had obtained from Parliament. In the course of this correspondence I found that the Lord-Lieutenants generally acted with the greatest intelligence and alacrity in giving assistance and conveying instruction to the magistrates; but it was not long before I thought I discovered that there was not a sufficient direct control over the constabulary of the country. With regard to the magistrates, they are not in this country, as in almost all others, a regular body of men, functionaries under the Government, corresponding with the Government, and executing their duties in conformity with its directions. I have found, however, amongst these gentlemen every disposition to do their duty; but at the same time, in some cases I think the feeling of alarm has been carried to excess, while in others, individual magistrates thought the peace and safety of their own neighbourhoods might be better secured by their abstaining from any vigorous measures of suppression, and that if left to itself the threatening danger might pass on to other neighbourhoods. But when the magistrates did attempt to the utmost to do their duty in the suppression of outrage, it was found that they had not the means of putting down the infractions of the peace by the civil power, without calling in the aid of the military force.

They had no means, nor funds at their disposal to meet the emergency, and the consequence was, that in many instances there were districts containing many thousand inhabitants, and having only one, two, or three constables at the disposal of the magistrates. I soon found, therefore, that although the law was strong, the means of enforcing the law were defective; and I then mentioned the fact to a noble Lord in the other House, who is generally opposed to me in politics, and stated at the same time, that I did not think it would be safe to prorogue the Parliament without making provision for a sufficient constabulary force. In the mean time, whenever the military were called out, I took care to give such directions, as to their operations, as I thought most likely to give them efficacy in the preservation of the peace. I also gave directions against organization and training, and I believe that, in consequence, such practices did not take place in those counties, which, in other respects, were most disturbed. Some of the letters which I wrote on those occasions, the House is already acquainted with; but I believe that the number of those which are before the House is comparatively few; and, therefore, I hope that the House will take my word for it, in which I have also been borne out by the statement of my hon. Friend the Under Secretary of State, that during the whole of that trying period, I anxiously employed myself in giving such directions as I thought would be most conducive towards the preservation of the peace of the country. I had then to consider, that having employed the power of the law, under circumstances of great agitation and disturbance, when under similar circumstances it had hardly ever before been attempted to be employed, without the extraordinary assistance of a suspension of the *Habeas Corpus* Act, or other rigorous measures, and finding that the executive machinery, in the hands of Government, was not adequate to the occasion, how it might be improved. It has been before stated, not

by myself only, but by Sir Richard Jackson, a most experienced officer now in Canada, that it would be difficult to maintain the peace of the country without a more efficient civil force. This, at the time it was first announced, was considered by many a new and unconstitutional project, and I experienced the greatest difficulty in obtaining the consent of Parliament to it. But when I found that, without a measure of this kind, the safety of the country could not be relied on, I, at the end of the last Session, brought the question before the House, and the House, with great unanimity agreed to increase the military force of the country, and to give powers to the Government, with the view of placing the civil force of the country on a more efficient footing. Objections were now being made, however, to putting this project in operation, on the ground, that one of the Commissioners was a Poor-law Commissioner. But, in fact, the Speaker of this House, who combined a practical knowledge of the law with an extensive acquaintance with rural affairs, was the Commissioner in question. Let us now consider what has been the result. I confess it does not appear to me, so much as it has done to others, that the disorders of the country are completely suppressed. But in many parts of the country, quiet and tranquillity have taken place, where, previously, the inhabitants were in a state of the greatest alarm. Prosecutions also had been undertaken which have been most successful in their result; out of 290 prosecutions there having been 232 convictions. Of course, in many instances, persons have been discharged at once, without proceeding to trial, and, upon the whole, I do not think, that with regard to these proceedings, and the verdicts which have been obtained in cases which have been prosecuted, Parliament have a right to complain, either of my conduct or that of the law-officers of the Crown. A complaint has been urged, that publications

of a seditious character have been allowed to go on without prosecution. Upon this point all I can say is, that I do not think it safe to order any prosecution, unless the law officers of the Crown have previously given their opinion that it is one likely to lead to a conviction. There is one case in particular, that of the 'Western Vindicator,' in which, after referring it to the law officers of the Crown, they informed me that it was undoubtedly a seditious publication, but they did not think it a case in which they could obtain a conviction. Now my great object has been, to show that the juries of the country will support the laws, and that the laws, with their aid, are sufficient to put down disturbance. I felt that if I brought an action of this kind, and failed, it might lead to a very fatal prejudice in the popular mind, that these parties were unjustly prosecuted, and that the law was being strained to meet a particular purpose, which would lead to great danger of making the laws really fail, and occasion an absolute necessity for my calling for those extraordinary measures for the preservation of the peace of the country, which it has all along been my object to avoid. In like manner, there are many cases in which persons may have used exciting and seditious language, and yet there may be no means of bringing them within the pale of the law; but still they do not form a sufficient ground for such extraordinary measures, as the suspension of the *Habeas Corpus* Act, which I opposed in former years, and of which opposition I saw no cause to repent. I thought, that unless I found that I was totally unable to maintain the peace of the country by the existing laws, the subjecting Englishmen to other laws than those which they knew and revered, looking only to a temporary object and difficulty, might be productive of a long and rankling feeling of discontent, the influence of which might extend to many future years. I have thus stated the general

course which the Government pursued. I will now consider the charges brought against me. One is the reduction of the yeomanry. The right hon. Baronet (Sir Robert Peel) should remember that the yeomanry was increased in 1831, and that the yeomanry which I have maintained remained 4,000 stronger than the yeomanry when the Duke of Wellington was in power; and though the present Government has reduced the yeomanry, there remains 14,820 men, a force amply sufficient for all the purposes for which that force was instituted. Another charge was, that Mr. Frost had been made a magistrate, and that, too, after he had been convicted of a libel. It does not appear to me that the latter ground alone should be deemed sufficient to exclude a person from that office; but, under all the circumstances, when the name of Mr. Frost was proposed for the magistracy, immediate reference was made to the Lord-Lieutenant of the county, who returned for answer, that he considered Mr. Frost a fit and proper person to be so appointed. Much has been said against the Reformed Town Council, but it is not at all improbable that the same appointment would have been made, supported by the opinion of the Lord-Lieutenant, had there been no such body as the Town Council of Newport in existence. The right hon. Gentleman, the Member for Pembroke, has, in his very acrimonious speech, complained also that a gentleman of the name of Muntz has been placed in the commission of the peace. From the information which I have obtained, I have every reason to believe that Mr. Muntz is a gentleman extremely well informed, that he possesses a good deal of property in the borough, and devotes the strictest attention to the business entrusted to him; and that, although he has once been somewhat violent in politics, he has become more moderate in his views. It appears no uncommon case, for I often find that men who begin in

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politics very violently, gradually become more temperate, or, if the term is better liked, more conservative; but, at the same time, without entirely abandoning their old friends and their old principles. I have heard but one opinion of Mr. Muntz, which is, that that gentleman has well, ably, unflinchingly, and impartially discharged his duties as a magistrate. Such, then, are the charges; for I do not remember any other. Yes, there is one other, which I did not think the right hon. Gentleman, the Member for Pembroke would have brought forward; but I was mistaken. The right hon. Gentleman said, that the speech which I made last year at Liverpool, was dangerous in the then circumstances of the country. I stated my opinions with regard to public meetings; I stated then, as I have done since privately and in letters, that as long as meetings are held for the sake of discussion only, I do not think they ought to be suppressed, and that if they are confined to free discussion, that ultimately common sense and truth will get the better, and that as long as Government allows every liberty to free discussion, the Government has a right to expect that there will be no infraction of the law; and that until such infraction of the law takes place, it is not advisable to interfere. I distinctly made this qualification at the time, trusting that if my speech was published at all, it would receive publicity through the usual channel of the reporters. But it so happened that there were no reporters at the meeting, and some gentleman present, writing from memory, sent the speech to the public papers, as it afterwards appeared; and although the qualification of my opinion with regard to public meetings was omitted in that imperfect report, I did not think it necessary to send for publication a more full and accurate report of what had taken place, being of opinion, that my own well-known sentiments, and the general policy of the Government, could not have fairly

left any person room for a doubt or misconstruction of my meaning; and I do believe, that those who have since quoted that speech have done so only for a purpose, and knowing that it was not fairly liable to the construction which they put upon it. These, then, are the charges with which the right hon. Member for Pembroke has made the first attack of importance against the Government—these are the charges, ranging over two years of some difficulty, that two persons have been appointed to the commission of the peace, whom some thought ought not to have been appointed, and that a speech had been made which has been misinterpreted. When hon. Members are asked in this House to pass a vote of want of confidence in the Government, these charges do, after all, appear a very inadequate ground to stand upon. However I may have conducted these affairs, I have still the same belief—it is possible that this Government or some other Government, may be compelled to have recourse to severer measures for the preservation of the public peace; but I do not think it probable that such measures will be necessary. I have firm reliance on the constitution, and on the existing laws to provide means of repression for any emergency that may arise. The right hon. Gentleman who spoke last, has proceeded to another class of accusations against the Government which do not belong to Ministers as a matter of Administration. The right hon. Gentleman has made it a matter of grave complaint against the Government, that they should allow such things as open questions; and, dilating upon their inconvenience, states it as his opinion, that there should be no open questions. In some of the opinions put forward by the right hon. Gentleman, I agree; but I believe, that it is impossible at present, whatever may be the inconvenience, to avoid entirely open questions, especially when every Member is directly responsible to a body of con-

stituents. But it is a new charge to be brought against a Government, that they have been guilty of what every man of any name or political character may be charged with for the last fifty years, Lord North, Mr. Fox, Mr. Burke, Mr. Canning, Lord Liverpool, Lord Melville, Lord Castlereagh, and others I might name, have all acted in Governments in which very important questions were open questions: and yet the present Government are to be condemned because they have taken a similar course. I will conceive their laying down a rule, (though I do not believe they will be able to practise it), that no Government in future shall have open questions; but to bring forward for four nights the accusation, that they have not adopted a new view of the Government and Constitution, and merely pursued the course which other Governments have done, which were subject to the same risks and inconvenience, are matters of indictment and charge of a very extraordinary description. At all events, it will bind those who are in favour of excluding open questions, to lay down an inflexible rule on this point never to be departed from. Be the accidents of the State what they may; be the fortunes of the Empire what they may; it is impossible, if this rule is once laid down by those who succeed in office to the present Government, to depart from it under any exigencies under which the State may be placed. There have been certain times when the persons composing the Government would not have done their duty if they had not consented to open questions. Mr. Pitt has been subjected to great obloquy for allowing open questions. Now, suppose he were conducting a war against France of so formidable a character, as to have required the assistance of the talents of Mr. Dundas, on whom he placed the utmost reliance for carrying into effect his plan of operations, I maintain that at such a crisis, when

every thing was at stake, and the whole Empire was on fire, Mr. Pitt was justified in taking Mr. Dundas into his cabinet, though on the slave-trade he took an opposite line from himself. The same cause of danger during the war of 1812, when other parties were unable to form a Government, justified those who did undertake it, in making the Catholic question an open question. I agree, that as to the latter question the course was full of danger, and continued too long, but I have often heard, and I can even believe it to be the case, that those most in favour of that measure found a great difficulty in telling Lord Liverpool, under whom they acted, 'the time is come when you must break up the Government.' But will the right hon. Baronet, with his strong opinions, and his experience of the difficulties which he has actually encountered—will he say, that he has absolutely determined, that in any Government in which he should act, there shall be no open question? There was a question (I know not how the right hon. Baronet would have determined it), with regard to which a person holding office under his Government declared, after it was dissolved, that he should have voted against the proposal of the right hon. Member for Launceston. I allude to the Education Grant for Ireland. I know not, I repeat, how the right hon. Gentleman would have acted on the occasion, but I certainly do think, that if the party—the united party which I see before me—were to come into power, and some of the most valuable members of that party had very strong and conscientious opinions upon such a subject, it would be hardly just to these persons or to the country, were they perpetually excluded for such a difference of opinion. I can not believe, that there will not arise in the course of years some question on which they as a party, would not be divided. And I am not sure, that even on the subject which is most strenuously charged against us (the Minis-

ters), there will not be entertained adverse views by the Members of the right hon. Gentleman's Cabinet. I allude to the question of Corn-laws. It is not my intention to refer to the declarations of Mr. Dawson, but do the Duke of Buckingham and the hon. Gentleman the Member for Wakefield (Mr. Lascelles) agree entirely in opinion on this question, belonging as they do to this united party? Do either of them agree in the opinions stated by the right hon. Gentleman? By no means. The noble Duke (as I understand him) is for standing by the Corn-laws, without the least alteration.—The hon. Gentleman is evidently in favour of some alteration in the Corn-laws, and advocates greater freedom of trade in that commodity; while the right hon. Baronet the Member for Pembroke (Sir J. Graham), the noble Lord the Member for North Lancashire, and the right hon. Baronet the Member for Tamworth, agree in two principles of protection to agriculture, and a graduating scale of duty. But I presume, that in wisdom and prudence, they have not bound themselves absolutely to any particular amount. I do not quarrel with that opinion—very far from it; I will give my views upon the subject of the Corn-laws when the debate comes on, but for the present debate, it is quite sufficient to show, that the Duke of Buckingham, the hon. Member for Wakefield, and the right hon. Baronet the Member for Tamworth, are very far from entertaining the same views with regard to the Corn-laws. The right hon. Gentleman has referred to those questions on which he was attacked while in office, and when a leader of this House, on the ground of economy. There were certainly attacks made upon him; and though I belong to the party from which those attacks proceeded, I never strongly urged those opinions, and certainly never took any leading part with regard to the economical questions, because I was aware that there was a right hon. Gentleman of my party who

had entered on this subject with great industry, matured all the details, and brought forward his propositions with such poignancy and pungency, that they became, not merely economical statements, but conveyed some of the bitterest attacks which could be made on the right hon. Gentleman's Government. It was not I, I repeat, or any of those around me, who urged such a warfare, but the right hon. Member for Pembroke. And I must say, when we hear so much of Radical Motions, that of all the Motions which I have ever voted for, that upon which, on reflection, I think myself most wrong, was the Motion brought forward by the right hon. Gentleman with respect to the Privy Council. I really do think the Motion, without being directly aimed at such an object, gave the public such a false notion of the amount received by the judicial and executive authorities, that it must be looked upon as tending to weaken the respect of the people towards their rulers, upon unsound premises. [Sir *J. Graham* was understood to assent to the noble Lord's view.] I have come to the same conclusion on this point, though we unfortunately differ on so many others in which we once agreed. But then comes the particular question of the Ballot, and of Universal Suffrage, with regard to which they have charged upon us a difference of opinion, and contended that we have suffered proposals to be made with regard to these questions of which we do not approve. My answer to that is, that those approving of such opinions could not be blamed for supporting them; and that if, on the other hand, those disapproving of them, had declared their hostility, and had opposed them, blame could not, fairly, be imputed to the Government. The course which I remember some persons, pretending to be friendly to the Government, recommended was, that those professing these ultra-Liberal and Radical opinions should be allowed to bring them forward, and be met by those opposed to

them, without any part being taken on the part of the Government. I at once repudiated adopting any such course, and it appeared to me that when those opinions were stated in the House, it had a fair right to hear my views with respect to them. And had I concealed my opinions? Had I not put the Government in peril, and voluntarily and willingly put it in peril by the open declaration of my opinions? The hon. and learned Member for Dublin had, in the course of one summer, declared his opinion at various public meetings, that the House of Lords ought to be an elective body. I took the opportunity on the occasion of an address being presented to me, to state that, with regard to organic changes, I thought it most undesirable to introduce them—that they could not be discussed without division, or adopted without peril to the monarchy. That opinion was delivered in 1837, and it produced, as it naturally might, irritation amongst those who held such opinions with regard to the House of Lords,—so far was it from being true, that it was after the accession of the present Queen I had declared my opinion on this subject. Then, with regard to any further important changes in the constitution of the House of Commons, as soon as that proposition was made, I declared my opinion upon the subject; I declared it strongly. I offended many of my friends and supporters by that declaration; in fact, I actually put the Government in danger. The noble Lord, the Member for North Lancashire, who hardly ever spoke in my support when I had these contests to undergo, took care to recollect an epithet made use of—certainly a very disparaging one to the Government—by the hon. Member for Finsbury; but he totally forgot to mention the opposition which I had given to the Motion itself. On other occasions like it I opposed these motions for extensive changes, and I have placed on record, by means of the pamphlet which has been

quoted, my opinions upon this subject. I have not changed those opinions. I considered that to enter upon a new Reform Bill, even granting, what I am not ready to grant—but even granting that all the defects pointed out in it are real defects, and the plans proposed to be substituted were in themselves better, I still will say that to change the Suffrage by which the House of Commons is elected, and to enter upon a new Reform Bill, will cause such doubt and uncertainty as to our whole future course with regard to the institutions of the country, that I cannot see it adopted without a great deal of alarm. Notwithstanding this, I have agreed that the Ballot should be one of those questions which should be made an open question. I will tell the House that I did not think the Ballot was consistent with anything else than Universal Suffrage; but I do not agree with the right hon. Gentleman that that would be the immediate effect of it. On the contrary, my belief is that it will be so unpopular a change, that when it takes place there will be such opposition against carrying farther, to any great extent, the Suffrage, that either by practice or by law, open voting will very soon be reverted to. Secrecy could not be made popular in this country without, at the same time, making the Suffrage, if not universal, much more extensive than it is at present. I do not think that it will be the least popular in this country that there should be one set of persons giving their votes in secrecy, and all the rest voting openly. But among those who maintain opinions in favour of the Ballot, there prevails various opinions on the subject. Some say that although they may have Vote by Ballot, no further changes would be adopted: this was the opinion of one who had long advocated the Vote by Ballot, and was of considerable authority on that question, I mean Lord Spencer. That nobleman told me, that the adoption of the Vote by Ballot, in his opinion, would make very little change in the country; and I

recollect, that soon after the general election of 1837, Lord Spencer told me, that in his opinion, if the Ballot had existed, there would have been but one or two elections which would have terminated differently than they did. Such is the variety of opinions prevailing on this subject, that I certainly do not think that there are sufficient grounds to induce the Government, seeing how much those on this side of the House are divided on the subject, to refuse that this should be made an open question, and that every one holding an official situation be at liberty to vote as he pleases on the subject. I come now to another part of the right hon. Gentleman's speech, in which he maintained that he was ready to state the measures which he thought were practical, and which he thought might be carried on consistently with the Government of this country. Omitting the other topics, I may say a few words with respect to that vital question, namely, the Government of Ireland. We have heard to-night from no suspected authority—from an authority as little doubtful on such a subject as the hon. and learned Sergeant the Member for Bandon, that there is existing tranquillity in Ireland. He spoke of the 'existing tranquillity' and the 'present tranquillity' as a known and admitted fact. They had then admitted that there is now tranquillity in Ireland. They had admitted that the people of this country have confidence in the Lord-Lieutenant and the present Government. They had it admitted that that country, torn by so many dissensions—the scene of so many oppressions—the theatre of so many barbarous cruelties, where those dreadful scenes occurred in the rebellion of 1798, which made the Duke of Wellington say, that he would rather lose his life than see a month of civil war in Ireland—they had it admitted that that country was at the present moment in a state of tranquillity. The right hon. Gentleman who last year made a speech, in which he

explained his reasons for refusing to undertake the government of the country after disposing of all his difficulties—difficulties far greater than any he has shown to affect the present Government—after showing that on the Jamaica Bill he was in a minority of five—that many of the Gentlemen who sometimes voted with him, did not give him their general support, not holding the same opinions as himself—after stating, with regard to the Speakership, he should probably be in a minority, came at length to the vote which the House of Commons had given in favour of Ireland, and stated, that he knew his difficulty was in Ireland. Therefore, they had, on the one hand, this existing state of things in a country forming such an important portion of the empire as Ireland, where the people were tranquil, awaiting with confidence the decision of the Government, making themselves amenable to the law, increasing in trade, improving in education. On the other hand, what? The utmost the right hon. Gentleman had been able to maintain, was, that he thought it might be practicable to govern Ireland. I say, then, why make the exchange of present tranquillity and peace for probable discord and certain ruin? But let us see what the supporters of the party opposite have been doing. A great meeting took place at Manchester. It was stated, that on the day previous great anxiety was felt by the public to attend the meeting, and then an account was given of its proceedings, in which one speech appeared more particularly to excite interest than the rest, and to have been received with very great applause. It was the speech of the Rev. Mr. Greg, of Dublin, and what said he? He said,

'It was their duty to encourage the good work (that was the conversion of the Catholics), and he would tell them the manner in which that was to be done. For instance, were the Queen a true Christian (they all knew what he meant), and had she a Christian Ministry, a Christian

cabinet, and a Christian court, they should see the Protestant ministers not standing up in tubs, and at the corners of the streets, sometimes getting pelted with mud: but they should see them supported with all the power and authority of the Government, with the military to keep order, if necessary; and a park of artillery to fire a signal for the commencement of divine service.'

I should have thought that such language would have excited an expression of disgust, but I observed it was printed, as having been received with marked applause. The Rev. Orator proceeded to say, that a royal proclamation under the hand and seal of Queen Victoria should be issued to compel all Roman Catholics to attend the Protestant service, and a resolution was proposed in accordance with the views of that Rev. Gentleman; it appeared that that resolution was put and carried quite unanimously, and that there was also a great deal of money raised for the purpose of the meeting. Let it be remembered, that this spirit was got up by persons who had been very active in what was called the Protestant cause. Yet the House was at the same time told by the hon. Gentlemen opposite —by those who friends had been so zealous to awaken this feeling in the country—that they were desirous of carrying into effect the Roman Catholic Emancipation Act. What was the Roman Catholic Emancipation Act? In the first place it allowed Roman Catholics to enter Parliament. That part of the Act I imagine none of the hon. Gentlemen opposite would be bold enough to alter. In the next place the Roman Catholic Emancipation Act permitted Roman Catholics to come into office. It was a question in the other House of Parliament, when the Bill was under discussion, whether the First Lord of the Admiralty might be a Roman Catholic. A noble Duke, the Duke of Rutland, proposed that the Prime Minister, or in other words, that the First Lord of the Treasury

should not be a Roman Catholic. The Duke of Wellington rejected any such alteration. The Duke of Wellington said what was quite true, although it was not commonly a matter of practice, that the Prime Minister might be Foreign Secretary, or in fact, might hold any place in the cabinet. But the Duke of Wellington said more than this; he said, that he had taken a security in the Bill, which security was this: that if the First Lord of the Treasury were a Roman Catholic, he should not have the disposal of livings and benefices in the Church. That was the security which the Duke of Wellington took; evidently implying, that care be taken that the bishoprics, the dignities, and the benefices of the Church should not be given by the voice of a Roman Catholic First Lord of the Treasury; that even to that high office it was his intention—the large and generous intention which he entertained—that the spirit of exclusion should not enter. And did the hon. Gentleman opposite now come and say, a Roman Catholic may not be Secretary to the Admiralty? Why, county meetings were held upon the subject. There is this day a report of a county meeting at which it was said, that the great advance of Popery was shown by a Roman Catholic being made Secretary to the Admiralty. How do the Gentlemen opposite answer that? Suppose they were to come into power to-morrow. They assert, that they are willing to carry out the Emancipation Act; but if they appointed a Roman Catholic, great violence would be immediately shown by a large number of persons to whom they are politically allied, and who at the present moment are highly excited against the existing Government. Excited! for what? not that they differed from the Government upon many questions of dispute in that House—not that they differed upon many of the questions upon which there was a contest of principle between the Government and the right hon.

Baronet. Then it was necessary to find some question on which the people could be roused. Sir, the excitement and the motive for raising it in the public mind, had this origin. It was in order to induce the people to feel some interest in the reinstatement of the right hon. Baronet into power, that these means had been taken to revive the flames of religious intolerance. It was to make them believe, that if the right hon. Baronet came into office, there would be an end to the Roman Catholic party—an end to Roman Catholic Privy Counsellors—an end to Roman Catholics in office, and that, therefore, the Roman Catholic Emancipation Act, although it remained upon the statute-book, should to all intents and purposes be dead, and inoperative in its efforts. A Ministry brought in to exclude and proposing to admit, praised for one set of principles and acting on another, would have to encounter great discontent, and would be able to meet that discontent only under very great difficulties. But there is another question. The present Government has acted all along upon principles of religious liberty. The present Government holds that however one person may be a member of the Church of England, another attached to the Presbyterian communion, and another to the Roman Catholic communion, still, with regard to civil offices and civil qualifications, all ought to be equal; and that no man should be insulted on account of his religion. No Roman Catholic, therefore, has any difficulty in acting under them. But, supposing that the right hon. Baronet got over the first difficulty, and consented to admit Roman Catholics to office, how many Roman Catholics does he imagine would be ready to accept office under such conditions as they would find imposed on them? When they found that their religion was everywhere reviled—when they found that those who belonged to their communion were constantly held up to execration—when they found that their

religion was pointed to with abhorrence, as idolatrous and profane—when they found that wherever they went they were looked upon as destroyers of the Protestant Church, and, therefore, were watched as enemies—when they found all this, what probability is there, when the right hon. Baronet had persuaded himself that he had found a Roman Catholic fit for office—when he had found one with none of the many disqualifications which were insisted upon by his party—when he had found one who had never made a violent speech, who was not eager to advance a particular system of education; one, in short, who had none of the disqualifications which were so readily found in a Roman Catholic—when the right hon. Baronet had found such a person, what probability is there that a difficulty would not arise in the mind of the Roman Catholic himself? Might not the party whose service the right hon. Baronet sought to receive very naturally say to himself, 'If I am to serve under a Tory Government, let me well consider whether I shall not be serving under a party which will degrade me—whether I shall not be committing an act of self-degradation by accepting any office which such men can bestow?' I maintain that this would be the effect of the outrageous spirit which has been excited. This would be the effect of endeavouring, by meetings and inflammatory speeches, to make the people of this country believe that the Roman Catholics were idolators. This is a spirit which would render it most difficult for the party opposite to govern, not only in Ireland, but in England, and likewise in the colonies: for I can assure those hon. Gentlemen that this intolerant spirit would suit as little in the colonies as in any part of the United Kingdom. I have already told the House what I have done with regard to the Ballot and the extension of the suffrage. I have said, and I think I may do so with truth, that whenever opinions which I think dangerous are proposed

in this House I have invariably been ready to take my part against them. And I say, farther, that it was in consequence of that resistance on my part that many of the supporters of Government were lost, and that in May last the Government felt bound to resign. But when I look to the other side of the House, and look for the speeches made from time to time by the great leaders of that party, in which they might have expressed their disgust at the attempts made to disunite the people, and to substitute discord for harmony and good feeling; when I look for this—when I remember that the principles advanced by that class of their followers were principles upon which they would not and could not act, and yet saw the silence they had observed—I must say I think that they were culpable in withholding the loud and open expression of their condemnation. But, omitting all other subjects, I think that, with regard to Ireland, it would not be safe to place the Government in the hands of those who formed the great party which now assumed to take the direction of affairs. I observe that during these four nights' debate, and in spite of the announcement which was made, that all the faults of the present Government should be dragged into light—I cannot help observing, that having the conduct of the affairs of this great empire in every quarter of the globe—having foreign powers to negociate with from day to day upon matters of the deepest importance —having colonies to govern in every region of the earth—countries where existed different races of men, different forms of religion, different laws; countries, therefore, difficult to govern—I cannot help observing that with all these difficulties to encounter the charges actually made against the Government comprehend but a small portion of our conduct—comprehend, even if made good, but very trifling instances as compared with the whole duties of Government. If there were so many of the interests of the

empire which have not been neglected—if, for instance, the affairs of Belgium have been brought to a satisfactory conclusion—if England has still an ally in the Queen of Spain; if the Basque provinces have been pacified; if the Canadas at length assume a prospect not only of returning tranquillity, but of permanent freedom and happiness—I do think that when the House is called upon to pronounce a general opinion—an opinion not merely upon those items of charge which have been brought forward by the Opposition, but upon the general conduct of affairs—I do think, that in giving that opinion, the House ought not to leave out of view those many important interests—those many vast concerns upon which not a syllable has been uttered, that the Government has ever betrayed its duty or neglected to pursue the policy essential to the interests of this country. Now, last of all, I come to allude to that upon which it has been said by the noble Lord opposite we were utterly inefficient, namely, to measures of legislation. Obstructed, as we have been—to use the noble Lord's own term—obstructed as we have been by a large party in this House, by a very decided majority in the other House, I think that during the four years that have elapsed since 1835 the legislative measures proposed and carried by the Government have been neither few nor unimportant. I maintain that there is scarcely a time to be found, of equal duration, in which measures of more importance have been carried. In the year 1835 was passed an Act reforming altogether the municipal corporations of this country; placing them all upon a new foundation, admitting popular control, regulating all their affairs with the greatest minuteness and detail. In another year, there were questions with regard to the Church. The state in which the present Government found the Church was this, that there was one Bishop, as in the case of the Bishop of Durham, with 22,000*l.* a-year, and another Bishop, as in

the case of the Bishop of Rochester, with only 500*l.* a-year. In this state of things the wants of the poorer bishoprics were made up by deaneries and other lucrative offices in the Church. There were likewise pluralities to the greatest extent; so much so, that I remember counting sixteen names in a catalogue of the benefices of the Church, and afterwards finding that those sixteen persons held sixty-five different species of preferment in the Church. We took measures to prevent any clergyman from holding more than two pieces of preferment, or any two benefices more than two miles apart. That Act is one of the greatest importance that has been passed since the Revolution—perhaps since the Reformation. There were also other Acts introduced by the same Administration for the registration of births and marriages, by which the Dissenters were allowed what they never had had before—the privilege of being married according to their own forms. Before that time all Dissenters must be married by clergymen of the Church of England, by a form of which they disapproved. There was also another Act passed for the introduction of a Poor-law into Ireland, and although it was at the time made the subject of much contest, and although it might again be made the subject of dispute, yet it is undoubtedly an Act of the utmost importance, and I believe the greatest benefit; there has been the Act for the settlement of tithes in England, an Act beneficial to the clergy, advantageous to agriculture. I have mentioned these few measures in order to show that Ministers have not been idle as far as their legislative functions were concerned. On these grounds it is that I say that the Gentlemen opposite have not made out their case that the Government ought to be displaced—that her Majesty ought to be advised to dismiss councillors in whom she now places confidence, and substitute others in their room. One other subject there is which I cannot help noticing—I

allude to the state of the Finances. I am ready to admit that the estimates which we think necessary for the army, and navy, and the ordnance, in order to keep up the character and power of the country, will perhaps require, in the present state of the finances, the imposition of fresh burdens on the country, the present revenue not being adequate to keeping them up. But this is not by any means an occurrence new to the history of this country; and it must be remembered, that during those years we had to sustain the expenses of the civil war in Canada. Had it not been for that occurrence within the last year, there would have been rather a surplus on the revenue. Soon after Mr. Pitt created his sinking fund, the Russian armament became necessary, and he increased the public debt in order to provide for it. The noble Lord opposite asked how it was possible to expect the revenue to keep up while Government was without the confidence of the House. I can only say, that if I went into opposition that would be no reason with me for refusing to vote for the estimates that might be necessary in order to enable the country to keep up those establishments which were necessary for the safety and the fame of the country. [Lord *Stanley* intimated his dissent.] What the noble Lord said was, 'How can it be expected that the means will be voted by hon. Gentlemen who have no confidence in the Government?' The House would look to the state of the empire, and see whether the Government had been justified in making the demands they were about to make; they would see if the estimates were no more than the necessities of the public service required. If they thought so, they would give their votes, not to gratify party, but to serve the interests of their country. I confess I do not feel any very great anxiety on the subject of this motion, seeing that all the charges made are of the most flimsy nature, and that they have been fully answered.

ABOLITION OF CAPITAL PUNISHMENTS.

March 5, 1840.

LORD JOHN RUSSELL said, that paying, as he was ready to pay, a tribute of respect to the motives of the hon. Gentleman in bringing forward this motion, and to the ability with which he had introduced it, he could not admit that, with that object in view, the hon. Member had adopted the proper course in submitting a Resolution on the subject. It appeared to him that if a matter of this grave importance was to be decided by that House, it ought to be according to the ordinary forms and proceedings. Leave ought to have been asked to bring in a Bill, and if the House recognised the principle so far as to allow of the Bill being brought in, it might have been discussed in its subsequent stages, and the attention of the House would have been fully called to it. If the hon. Member had moved for a Bill, and had obtained the permission of the House to introduce it, that would have been so far a recognition of the principle; if, on the contrary, the House did not assent to the introduction of the measure, there would still have been a decision of the House against it; but proceeding by resolution might be productive of this inconvenience, that a certain principle would have been affirmed by that House, while the judges and the executive, presiding over the administration of the law, would be bound to act upon a different principle. The resolution, if carried, might have a very popular effect, while at the same time neither the judges nor the executive would feel themselves authorised by the letter of the law in acting upon a resolution of that House. He, therefore, thought that the hon. Gentleman ought not to have proceeded by way of resolution, but ought to have adhered to the ordinary course in seeking an alteration of the law. With respect to the motion itself, he (Lord J. Russell) was unwilling to enter into a discussion

against the arguments in favour of the abolition of the punishment of death, because, when capital punishments were more frequent, he had entertained the opinion that those punishments ought to be inflicted with less frequency, and the number of capital crimes constituted by our penal code ought to be lessened; and he could not help feeling that many of the arguments advanced when he had the honour of acting upon a committee, of which Sir James Mackintosh was the chairman, and when he had the honour of voting with Sir Samuel Romilly on this subject, were in accordance with the spirit with which the hon. Gentleman now brought forward this motion. With regard to those arguments, and in the first place the statistical details submitted to the House, they must be so far satisfactory and consolatory to the House, as they showed that what had hitherto been done, had not been imprudently or unsuccessfully done—that it had not the effect of increasing crime, or of rendering less certain the punishment of crime when proved. On the contrary, the changes which had been made had tended to diminish the general amount of crime, and where crime was brought before a court they ensured conviction in cases where it ought before to have taken place, but where a sentiment of humanity had induced juries, not certainly in conformity with their oaths, but with an overpowering feeling, to acquit those who were accused before them. But, while the hon. Gentleman's statistical details proved this much, he did not think they entitled the House to infer that if they ventured to make a similar change with regard to other and graver crimes — more especially with regard to that one which the hon. Gentleman said was the only one to which, in practice, the punishment of death was applied—the effect would be similar. It should be observed, in the first instance, that many of the crimes to which the punishment of death had formerly been affixed, such as sheep-stealing and stealing in a dwelling-house,

were not considered crimes of such horror that they ought to be punishable with death, and therefore a sympathy was excited in favour of those who suffered that extreme visitation of the law; but with regard to murder, the crime itself created the greatest horror. If any dreadful and atrocious murder were committed, it excited in the public mind a feeling very different from that which was excited by the circumstance of a sheep being stolen, or a larceny being committed in a dwelling-house. The former offence naturally excited a very great degree of horror. The hon. Gentleman said that the crime of murder was one of calculation, and, if so, he argued that the very existence of the crime showed that the laws were not effectual. That argument was, in his opinion, not good; for the same argument might be used in reference to any species of crime. It might be said of those crimes to which the slightest punishment was apportioned, that the existence of those crimes proved that the punishment was not sufficient. Taking into consideration all the circumstances, he thought they could not lead one to the supposition that the punishment of death should be abolished, for it appeared that the hon. Gentleman was not prepared to propose a substitute, by means of which murder would be at once done away with, for if not at once done away with, the same argument might be used against his proposition, for it might be said that it had failed in its effect, as the crime still existed. The real question was, whether a number of persons, besides those who actually committed the crime, were not deterred from committing it by the existence of the punishment of death. His opinion was, that there were a greater number of persons deterred from the crime by the fear of this punishment than would have been deterred by the fear of any punishment of a minor character. This was a matter certainly which was incapable of proof; but those who committed the

crime well knew that they could have no expectation that these cases would excite the sympathy of the public, or that they could escape by the sympathy of the jury. He would take some atrocious case of murder—that, for instance, of Greenacre. Was there any feeling of sympathy in the public mind towards him?—or was the punishment of death thought at all disproportioned to the enormity of his offence? He was aware that there was a portion of the community which conceived that there should be no such punishment as that of death, but the great mass of the public was of opinion that murder was properly punished by death, in order to deter others from the crime. He wished it were possible to frame a law to separate the atrocious cases from those of a more mitigated nature, for such cases as the latter came frequently before him, when it became his painful duty to investigate their character. There were many cases where great provocation was given, and which involved a very different offence from that of wilful murder; but, on the other hand, there were murders arising from revenge, from malignant passions, and from the hope of gain, and from deliberate plots for plunder. He should be glad, indeed, if he could come to the conclusion that society would be sufficiently protected by not taking the lives even of such offenders as these; but he thought the risk was sufficient to induce him not to assent to the proposition, conceiving it to be the paramount duty of the Government to protect the innocent and unoffending portion of the community. There had been already an immense change with respect to the mitigation of the criminal law. By the last tables laid before the House, the number of persons executed in 1818 was ninety-seven; in 1828 fifty-nine; and in 1838 only six; being about one-tenth of the number in 1828, and one-sixteenth of the number in 1818. That was an immense change in the law in the course of a few years

in favour of humanity and improved legislation; and when the hon. Gentleman said that the spectacle of an execution brutalised the people who witnessed it, he thought the objection was removed by the change already made in the number of executions. The frequency of these executions might be said to harden and brutalise the people, but when the number of executions was small, he thought the effect would be greater, as being the solemn award of justice in cases of grave and atrocious crime. The hon. Member had said that the persons who went to these executions indulged in the most reckless gaiety and unconcern. He agreed with the hon. Member that such might, in some instances, be the case, but he did not think that that effect was produced by witnessing the execution; for if that feeling had not been manifested in that way it would be in some other equally objectionable. This, then, was his opinion as to the total abolition of the punishment of death; but he was far from saying that he did not indulge hopes that the condition of society would become yet so far improved—that the aversion to the shedding of blood would gain such strength—that, without danger to the innocent and unoffending, the abolition of death as a punishment might be effected. Such, however, was not the state of society at the present period, and if the punishment of death were abolished, he feared the effect would not correspond with their wishes. He would ask the House to consider the great peril of an unsuccessful attempt to abolish the punishment of death. Hon. Gentlemen must know that, as far as they had hitherto gone, the friends of humanity had no reason to complain; but if they were entirely to abolish the punishment of death, and if some cases of revolting offences should occur, a revulsion of feeling might take place in the public mind, and instead of hastening the permanent abolition they might have to

admit that they had gone too far, and be forced to go back farther than where they now stood. For these reasons he could not at once agree to the abolition of capital punishment. He regretted to have come to that decision, but he differed in opinion from a large portion of the community, and he thought it prudent to pause, rather than at once to decide upon the entire abolition of capital punishment.

PRIVILEGE—BILL TO SECURE PUBLICATION.

March 5, 1840.

LORD JOHN RUSSELL said, that as the right hon. Gentleman in deferring his present motion had wished him to bring forward his own motion for leave to bring in a Bill upon this subject, perhaps the House would allow him then to make the motion which he had intended to submit to the House as an amendment. What the right hon. Gentleman had said in favour of his own proposition had only confirmed him in the opinion that he was right in bringing forward the Bill which he would afterwards introduce. The right hon. Gentleman seemed to think that they ought to examine their right of publication, with the view of restraining it by some legislative measure. [Sir *E. Sugden* did not contemplate a legislative measure.] He thanked the right hon. Gentleman for the correction, because it appeared to him that the right hon. Gentleman had evidently expected a Bill to place some restriction on the publication, and on the sale of parliamentary papers. It was his opinion, however, that there ought not to be any Bill introduced upon this subject which should place any restriction on the right of publication possessed by that House, whatever might be the determination of the House

as to the mode in which that publication should be made. And for himself, he had no hesitation in saying that if it were shown that the mode which the House had adopted of late years, that the mode which had been in use since 1835, had led to the distribution of papers, wantonly calumniating any individual, without, indeed, being of opinion that they ought to rescind the resolutions to which they had already come; yet that if any measure should be proposed to that House which should prevent any improper or calumniating publication, he should be perfectly ready to listen to it. At the same time he did not know of any more difficult subject to be undertaken, because there were many publications of reports of evidence and of accounts of proceedings, which, though not intended injuriously to affect any individuals, did bring in the names of many parties, and which were necessary as the foundation of Bills, to remedy those general evils, the existence of which was proved by particular cases. It must, however, have become evident to the House, whatever might be the opinion which was entertained with respect to the power and the privilege of the House to regulate its own publications, that it was desirable to provide some more immediate and more effectual means of exercising its powers. His own opinion was, that the powers of the House were very large, and that if they were used to their utmost extent they would be quite commensurate to effect an observance of the law of Parliament; but the mode in which they could exercise those powers was liable to great objection, and when put into practical operation it produced considerable inconvenience. Let him take the case that had now occurred. Suppose there were proceedings taken during the recess—that an action should be commenced, in which, there being no defence, judgment would at once be given, and the sheriffs would proceed without delay to levy the damages—they would be bound on their meeting to direct

their immediate attention to the proceedings, to send for the sheriffs, and to punish them for the breach of privilege; and yet this course was liable to these defects, that it did not stop the action, and they were forced to deal with officers who had been no parties to the proceedings till after they had been before the courts of law; and the sheriff was, in fact, the only officer with whom the House could deal to prevent the full execution of the judgment. With respect to any action that might be brought during the sitting of Parliament, there was a more immediate remedy by proceeding against the parties. They might take the plaintiff and the attorney before they had gone far enough to entitle them to call upon the sheriff to execute the writ; but in this latter case, also, it was impossible to exercise the powers of the House without having the time of the House taken up and the attention of Parliament occupied by motions relating to individuals who were endeavouring to oppose the orders of the House. He did not, indeed, think that if they had to deal with persons who were claiming *bonâ fide* protection from charges at which they were really aggrieved, those persons would not submit themselves to the authority of the House when they were told that any action they might bring would be a breach of privilege, or that the individuals who were injured would fail to ask the House to give such redress as to the House should seem proper for the damage done to their characters, thus unnecessarily and improperly assailed; but they must recollect that the persons with whom they had to deal were not of that character, that they were persons who did not seek any such compensation as the House could make; that like Mr. Stockdale they might be mentioned in the report of persons acting in the execution of their duty, and that they would immediately seek to derive some advantage by entering into a contest with the House, and by vexatiously continuing to bring actions against the officers of the

House. In such cases, although they might punish the individual, although they might proceed upon their resolution and commit him, yet serious inconvenience would arise from the consumption of the time of the House, which was necessarily so valuable, as well in regard to all measures of legislation as to the control that was to be exercised over the executive administration; and, indeed, the whole Session might be occupied in discussions on the cases of individuals, on questions whether they should or should not commit this or that officer, or whether they should or should not discharge this or that prisoner. That was a great public evil; and there were other evils with which the House had not as yet had to contend, but with which, if they were determined to use their powers to the utmost, they must contend; it would be a great evil, for instance, if they were forced to come more directly into collision with the courts of law than they had hitherto done. Differing, as he did, from the opinions of the judges in the case of Mr. Stockdale—conceiving, as he did, that the judgment of the Court of Queen's Bench was generally erroneous, and that it was not founded upon a correct appreciation of the privileges of Parliament—yet he must say, upon public grounds, if the House of Commons were to be respected on the one side, and her Majesty's judges on the other were to be held in that estimation and veneration which was necessary to add weight to the administration of the law, that there would be great evil from a more direct collision; and, therefore, that if the House agreed to any proceeding which should bring two parties in the community to take opposite sides, so that one part should be vindicating the House of Commons whilst another should be adhering to and defending the judges, it would be a misfortune in a public point of view. He thought, therefore, that these were reasons why at that period, having shown that they were determined not to

part with any of their necessary powers, they should attempt, by the aid of legislation, to prevent a recurrence and a continuance of those evils to which he had adverted. He felt, at the same time, that there was great force in the objection that any legislation whatever would add strength to the arguments of those who contended that they would thus weaken the privileges of the House; that if any legislative enactments with regard to them were assented to, they must consent to bring all their privileges before the Legislature; and that any enactment would convert all the privileges of the House to such a state as would materially diminish them. Still, he could not but see that at all periods in our history, whatever might have been the subject, whether it regarded the privileges of Parliament or the rights of the Crown, or of any of the constituted authorities, whenever any great public difficulty had arisen, the Parliament, in its collective sense, meaning the Crown, the House of Commons, and the House of Lords, had been called upon to solve those difficulties. This was, as he conceived, the original intention of the constitution of Parliament. He was far from thinking that the constitution of Parliament as it originally stood, rude as it was in its general provisions, did not exhibit great sense in the general distribution of power. It was, as he conceived, among the functions of Parliament, not only to provide for the executive administration of the country, and to pass such laws as should be from time to time required, but also in general to declare what was the state of the law existing at the period, and which declaration was taken as law for ever afterwards. That was done at a remote period, as a part of the inherent power of Parliament; and although it might have been little used lately, yet it still was both within the power and the duty of Parliament to meet any great evils or difficulties of this kind, and to provide for

them by its general authority. With respect to these cases of privilege in particular, it could not be denied that when difficulties had been found, the Parliament had provided for them by enactments, declaring what was the law. In the commencement of the reign of James I., when it was found that the warden of the Fleet was unwilling to discharge from prison a Member of that House, stating that he feared he should have to pay the penalties for an escape, although the House of Commons interposed, and obtained the release of the Member, still he did not think it inconsistent with the maintenance of its privileges, nor a dereliction of its high duty, as one branch of the Legislature, to pass an Act, providing that all suits brought against Members should revive when Parliament should cease to sit, depriving Members of exemption from suits; and, secondly, that no sheriff or other officer should be liable to any punishment for discharging from custody a Member that was entitled to the privilege. After the Resolution, when the Members of the House, and when even the Speaker had become liable to actions and prosecutions for doing their duty in that House, the Parliament had declared, by legislative enactment, that no person should be called in question for any proceeding within the walls of Parliament. So, likewise, when it was found in the course of experience that the privileges which were possessed by the Members of the House, that the personal privileges, such as that exempting their servants from suits for the recovery of debts, could be dispensed with, without doing the least injury to the efficacy of Parliament, the House agreed to several Acts, the latest of which was the Act of the 10th George III., which allowed the suits to proceed, and which had limited these personal privileges of the Members. All this showed that when there was sufficient cause, and when there was a good public motive, the House had not hesi-

tated upon all suitable occasions to derogate from the general privileges of the House. At the same time he knew that it might be said, that when they entered upon a course of legislation on one privilege, various other privileges might be attacked, and they would be ultimately obliged to resort to legislative enactments for all. He did not, he admitted, feel certain that such attacks would not take place; but there were none of their privileges which were so much exposed to attack as this particular privilege of publication—at all events, that was the particular privilege now called in question. On many of their privileges he saw, by the judgment of the Court of Queen's Bench, there was no difference between the House of Commons and the courts of law: there were many privileges which were ascertained, and which were generally allowed, as Mr. Chief Justice Pemberton had allowed certain privileges of the House of Commons, when he was called to their bar to answer for an offence against the privilege of the House. If however, there should come to be any further question with the judges of the Court of Queen's Bench—if they should not be disposed to allow that the House had the right to decide what the privileges of the House were—he should be ready to maintain, in that case, what he had maintained in the present case, that the House was, and of right ought to be, the judge of its own privileges. The right hon. Gentleman differed from him upon that subject. It was one on which he thought there was a great deal of popular misapprehension. It was said that the House could declare anything that it pleased to be privilege, and it was presumed that anything that was most extravagant was within its power, and that the House would claim it as a privilege. This was a most exaggerated way of putting the question. It had been said, equally extravagantly, by counsel before Lord Ellenborough, 'Does

your Lordship say, that the House might take any person into the lobby and there execute him?' To which Lord Ellenborough replied, 'In such case the courts would do their duty.' If a person were convicted of a capital crime, and were sentenced to death, he might be legally executed; and the counsel might just as well have asked whether a person not legally convicted could be executed. And what he meant when he said that the House had the power to judge of its own privileges was, that it could best judge what privileges it was necessary to assume to enable it to discharge its duty. He might be asked what there was to check and to limit this power, and he must answer that there was the same check and the same limit as there was upon all the different bodies in the State; there was the same check and the same limit as there was on the prerogative of the Crown; the same as there was on the power and the authority of the House of Lords, or of the Court of Chancery, or the courts of common law, namely, that having certain powers necessary to maintain the particular functions of the body, it must be supposed, if it were a constitutional proceeding, that there could be no extravagant assumption of powers, going beyond the necessity of the case. If this were so, the case was clear, there was no difficulty in deciding the question whether the House of Commons or the Queen's Bench was the proper judge of what was necessary for the due performance of the duty of the House. He had no hesitation in saying, that it was the House; if the House was perfectly conversant with the business which it had to perform, it was aware from day to day of what was necessary to perform that duty, and it was more likely to come to a correct decision upon this question than the Court of Queen's Bench. It might be said on the one side, that the House of Commons would carry this power of judging what were its own privileges to an

excess, and it might just as well be said on the other side, that the Court of Queen's Bench would be most likely to limit what was really necessary. Therefore, whatever they did with reference to this point, they would not get rid of the power essential to their functions. Elected as that House was by the people, and as they were threatened the other night by an hon. Gentleman, that that House would have to go back to the people to give an account of their proceedings, he did not think that any act of exorbitant tyranny would ever be exercised by the House in defence of its privileges. He now came to the measure which he had to submit to the House; he did not intend to propose a measure that would impose any restrictions on the power or right of publication by that House; on the contrary, he should take care that it was stated in the preamble of the Bill, that the privilege of the House, as well in this as in any other respect, was only known by the interpretation of the House itself. He intended to propose that publications authorised by either House of Parliament should be protected, and that merely the certificate of such publication being authorised, signed, for the House of Peers by the Lord Chancellor, or by the Speaker of that House, and for the House of Commons by the Speaker, should be held to be a restriction of any proceedings for such publication in any court of common law. That was, that any person having the authority of either House of Parliament for the publication of any paper, in case of any proceeding being instituted in any court, that a certificate of this should be sufficient to stay all proceedings by a mode which was described in the Bill he proposed to introduce. He would not proceed to explain the mode by which it was intended this should be done, for he feared if he entered upon an explanation of the legal proceeding, he might lead hon. Members into error. He, therefore, thought that it would be better for him to abstain, and

to be allowed to introduce his Bill, and let hon. Gentlemen see the details of it. The object of the Bill, he repeated, would be to give protection in a court of law to the publications of either House of Parliament, and this not merely during the time Parliament was sitting, but during a recess or dissolution. He did not propose to limit the right of publication, for, as he had said before, he agreed that it was essential that they should maintain it to the fullest extent; but if he could give greater security than before to the publications of the House, by the proposition that he was about to make, he should be extremely glad. He was anxious that the authority for such publications should be maintained in the House itself, by the means that he proposed, as he thought that the functions of that House were of too important a character to be submitted to any other tribunal. He would not say a single word on what had so often been dwelt on in the discussions on this subject—namely, that the House should have the right and the power of publication, for he believed that they could not beneficially exercise their functions without the right of publication. He, therefore, should only now ask for leave to bring in a Bill, hoping that it would be the means of putting an end to the evils which were now experienced by the House; and, after what had passed, he did not think that it was too much to ask the House of Lords to concur with them on this subject. He was sure that the House of Lords must be aware that this conflict in which the House of Commons was engaged might be injurious to the other branch of the Legislature; and with regard to the publications of the other House, although they might not now be called in question as those of that House had been, still persons might have recourse to these vexatious actions against the servants of the other House for publications authorised by it, and it should be recollected, that one of the publications of

that House which had been threatened with an action was a reprint of a document of the House of Lords, and arose out of the examination of witnesses who gave evidence before a Committee of the other House. The House of Lords only did their duty, and proceeded in the investigation in question with the view of giving information to the people of this country. The evidence was not to be confined to the House of Lords or to the House of Commons, but it intended to give information to the country as to the state of New Zealand, so that those who might feel disposed to emigrate might be made acquainted with the state of things there. It, undoubtedly, might be made a ground of action against that House, as it was threatened against this House, that the publication containing this information involved a libellous attack upon individuals. He thought, also, that the Committee lately appointed on the subject of the printed publications of the House, would, in its report, lay before the House all the facts of the case with regard to the publications, and he believed that the House would be satisfied that means were taken practically to place a check on the publication of works of anything like a libellous character printed under the authority of the House. The House would find that they placed checks on the publication of libels, and when the report was laid on the Table, it would see what these checks were, and how they were to operate, before the House sanctioned the publication of papers, and it would be for hon. Members to say whether these checks were effective or not. He would not occupy the time of the House at greater length, but conclude with moving, that leave be given to bring in a Bill to give summary protection to persons employed in the publication of parliamentary papers.

GOVERNMENT OF CANADA.

June 12, 1840.

LORD JOHN RUSSELL acknowledged that whatever difficulties might attend the after government of the Canadas, they certainly would not arise from any party feeling manifested in the discussion of this Bill, and that whatever success might accompany the measure, that success was rendered far more probable after the calm and dispassionate mode in which its provisions had that night been discussed. With regard to the general measure, and to the principle of the union, he believed that he had always stated, as the right hon. Baronet the Member for Tamworth had that evening stated, and as the hon. Member for Droitwich had admitted, that it was rather from a comparison of the difficulties and dangers attending on other courses, and not from any abstract principle, that he was led to prefer this measure for the union of the two provinces. He had considered carefully every proposition that had been made. He would not say that he had gone through the eight alternatives of Chief Justice Robinson, but he had considered the principal one in order to see whether it could be adopted, but the result of his examination only convinced him that there was no course which was not attended with greater difficulties than the one they had now taken—no measure less liable to objection than the Bill before the House. Although there might be many objections to it, yet, on the whole, he thought it had greater prospect of success—was more likely to secure the welfare of the people of Canada, and contribute to uphold the connection between that colony and England than any other measure which Government could propose. More than this: it was admitted by all that it was a question of very great difficulty—a question encompassed with

eternal discussions—with agitation, leading to civil war—with the prospect of foreign invasion—with animosities between different races, and all the evils which accompany these calamities. Hence it was, that though this measure might be one not unattended with danger, yet it was the best which could be introduced on the subject. With respect to the various parts of the Bill, he would shortly state what he thought. With regard to the objection stated by the noble Lord, the Member for North Lancashire, to the civil list, that the annual interest on the public debt would be a charge upon the consolidated revenue, it might be said in answer to that objection, that the Government had it in their power to refuse their consent to any act which went to increase that debt. It had been said that, although the consolidated revenue was to have the whole fund which was now the Crown revenue, yet on the expiration of the civil list that revenue would revert without being charged with any portion of the debt. He must confess, too, that the force of the objection was not much lessened by saying that the Crown might refuse its assent, for this might be a most injurious act, and he wished, therefore, to take a few days to consider a point which he thought of very considerable importance, but which did not strike him before the right hon. Gentleman had stated it. The noble Lord, the Member for North Lancashire, had asked whether the management of the Crown lands would be vested in the Crown. He conceived that the management would remain with the Crown. There was no provision in the Bill which took away the management from the officers of the Crown, and the proceeds of the Crown revenue would still remain in their care. He did not think that any great loss would arise to the Crown from the sale of lands, for although a part of the lands might be sold, other parts would become more valuable, and in this way the revenue would be increased.

He did not think, therefore, that the revenue would be much affected by the sale of the Crown lands. A further objection stated was, that the Assembly might be disposed to sanction a very speedy and indiscriminate sale of the Crown lands; but he thought there would exist a sufficient control in the hands of the Crown, and the officers appointed by the Crown, to resist any such extravagant and improvident an event. He came now to the objections stated by his right hon. Friend the Member for Coventry with respect to those parts of the Bill which affected the municipal councils. In the first place, he thought he could satisfy his right hon. Friend's mind upon two points, which appeared to him to be rather more specious than real objections to this measure. One of those points was, that the word 'municipal' had occurred somewhere or other; and the other point was, that the measure was all founded upon Captain Pringle's report. Now, in the first place, in this Bill the word 'municipal' is not once mentioned; his right hon. Friend need not, therefore, be so very much alarmed upon that point. Next, with regard to Captain Pringle, it was true that that Gentleman had made a report upon the subject, but his right hon. Friend was doing Captain Pringle a great deal of honour by attending more to that report than to the other papers that had been presented on the same subject. Although there might be some errors in Captain Pringle's report, and although it might be true that Captain Pringle had not been long in Canada before he made his report, yet he could not conceive that that was any more reason against adopting any suggestion made by that Gentleman, which was in itself good, than it would have been a good reason against reforming the prisons in the West Indies, because the report which Captain Pringle made on that subject was founded on inquiries, which were the result of a very short visit to the West Indies. But with respect to the

authorities and despatches coming from official persons, and to the authority of the provincial councils, which authorities formed the foundation of those particular clauses of the Bill to which objection was made, he thought attention had not been sufficiently given to them by his right hon. Friend, who appeared to have devoted himself so much to the report of Captain Pringle, that he had not had time to give due weight to the recommendations of those authorities. When referring to the recommendation contained in page 33 of Governor Thomson's despatch, his right hon. Friend did not refer to page 31, in which a reason was given—and he thought a very strong reason—for introducing some measure of this kind. He must observe that he was as desirous as his right hon. Friend that the local Legislature should not have the power of making grants of money without the recommendation of the Crown; and Governor Thomson, after stating that one of the most important provisions of the plan suggested last Session, and on which the Earl of Durham laid the greatest stress, was that of restricting the money votes of the House of Assembly to the purposes of the general government, which would put an end to the gross system that had been practised in applying the public money to local purposes, proceeded to recommend that some machinery should be provided by which a system of local taxation might be established for purely local purposes. His right hon. Friend (Mr. Ellice) had also said, and the statement had been quoted from the pamphlet of Chief Justice Robinson, that nobody in Canada was ever heard to express a desire for these local councils, for the purpose of local taxation. But Governor Thomson distinctly stated that he found a most anxious desire among the people of Canada to have local councils established, to raise local taxation, believing as they did that it would be likely to conduce, in the highest degree,

to their welfare and prosperity. Governor Thomson, who was a person of considerable experience, and possessed great knowledge of business in matters of this nature, stated that the very first thing he did, and which it was his duty to do, and which he performed with great activity, was to send to all persons in Canada who were likely to give him valuable information, and to consult with persons of various political views and parties, and to ascertain what their opinions were, and he then told the Government at home that, after having done so, he found there prevailed a very strong desire for the establishment of district councils, to raise local taxes for local purposes. Governor Thomson might be mistaken; it might be his fancy only, and the fact might be that no person in the country was ever heard to speak of it, or known to think of it. That was certainly a most improbable supposition; but for a moment he would suppose it to be true; and he would then ask what said the Commons in the provincial Parliament assembled in Lower Canada? They had presented an address to her Majesty the Queen, in which they said—

'We have no desire to interfere unnecessarily with questions of detail, but we cannot omit respectfully soliciting your Majesty's attention to the introduction of a system of municipal government in Lower Canada, in order to establish a system of local taxation upon the same principle as is established in Upper Canada.' ['*Hear, hear.*']

Well! but what then became of all that his right hon. Friend said about conflicting principles? What then became of all he had stated with regard to these local bodies having a power of local taxation being a conflicting power with the Legislature of the united provinces? because, although his right hon. Friend afterwards said that he did not object to local taxation by local bodies, yet a

great part of his argument was founded upon the fact that these local bodies were to impose taxation upon the Crown lands. It appeared, then, from the Governor's statement that the people of the Lower Province were desirous to have these local bodies established upon the same principle which prevailed in the Upper Province. The House of Assembly of the Lower Province also recommended the Crown to introduce that system. His right hon. Friend was correct in saying that they were not about to introduce exactly the system prevailing in the Upper Province, because there was some difference between that and the system recommended to be adopted; but he believed the chief difference consisted in the amount of power of taxation rather than in the nature of the councils to be established. The elective councils in Upper Canada raised local taxation for local purposes—for building the sessions-house, for conducting trials, and so on. Now, it was proposed that the district councils, which would also be elective councils, both in Lower and Upper Canada, should be established for very similar purposes to those now existing in Upper Canada. Therefore, the objection of his right hon. Friend did not so much go to the entire rejection of these clauses, as to their not being in all respects adapted to the system now prevailing in Upper Canada. It might be argued that this system might be introduced by the local Legislature of the united provinces. Upon that point he admitted he thought there was considerable doubt. He should have been disposed to say, as a general question, before he had heard the opinions of those authorities in Canada, to which he had referred, that it would have been better to have left it to the general Legislature of the united provinces to introduce these municipal or district councils for the purposes of local taxation; but he had now, on the other hand, the opinion of Governor Thomson, and also

the opinion of Chief Justice Stewart—who framed a number of clauses in detail, but which he (Lord John Russell) did not think proper to submit to the House because they went into more detail than was necessary—and he had also the opinion of the House of Assembly of Lower Canada, especially recommending the subject to the notice of the Imperial Legislature. However, he admitted that nothing ought to be introduced into this Bill which was likely to be effected, and better effected, by the Legislature of the united provinces. If it were the opinion of the House that there were no objections, either from jealousy of race or from local circumstances, which would prevent the Legislature of the united provinces undertaking this subject—if it were the opinion of the House that the subject could be more safely left to the local Legislature, then certainly it would not be necessary for them to keep such clauses in the Bill. He owned that his opinion was, when he introduced the clauses, and he still was of opinion, that the clauses had better be in the Bill; nevertheless he would say with respect to this part of the Bill, as he had said with regard to the civil list, that upon that point he should wish, after hearing so fair and so calm an opinion expressed by his right hon. Friend on the subject, to have some short time allowed him to consider the matter more maturely. If he should think, as the Governor had stated, that these clauses were necessary, he would fairly state that opinion to the House, and put it to the House to decide the question; but if, on further consideration, he should come to a contrary conclusion, he should have no hesitation in avowing his concurrence with the proposition of his right hon. Friend, who would at least admit that it was not without some authority and some grounds that the Government had proposed this measure. Now with regard to the great weight given by the hon. Gentleman who spoke last to the opinions of

Chief Justice Robinson, he must confess, that although he thought no opinions could be stated with more acuteness, or argument be more ably put, than by that Gentleman, whose talents were universally acknowledged, yet, with regard to his general principles and views of governing in Canada, he owned that he must declare his entire dissent from them. With regard to the subject of a Church Establishment, Chief Justice Robinson had stated, no doubt, the views of the political party to which he (Lord John Russell) and his friends belonged, and of which that Gentleman was for a long time a very leading Member; yet they were not of a sort to be carried into effect in any part of Canada. He thought it was Chief Justice Robinson who had expressed the opinion—at least he was quite sure he had seen the opinion stated by others—that if, when founding our colonies in North America, which were now become the United States of America, we had carried out among the Puritans in the times of James I. and Charles I. a regular Church Establishment, founded and based upon the principles of the mother Church in England, that those colonies would still have remained faithful and loyal to the mother country, and that there would not have been any separation between those two parts of the British empire. Now he (Lord John Russell) thought that an opinion more unsound never was asserted. He conceived that if ever they had attempted anything of the kind—if, in the reign of Charles II., they had not been contented with restoring the Church of England in this country—if they had not been contented with the very cruel and barbarous attempt to establish the Church of England in Scotland—if, besides all this, an attempt had been made to force the Church of England upon the state of New England, and the various other provinces now forming the United States, his opinion was, instead of preventing a separation, that that separation would

have taken place a century earlier than it did. He was fully convinced, whatever their opinions might be with respect to a Church Establishment in general, that the opinions which now prevailed in North America were too much rooted, and had too general an assent, as well from the members of the Church of England as from all the sects of Christians there, to admit the possibility of its introduction, and that it would be utterly and especially insane to desire to establish a predominant Church in that country. He could not, therefore, while he admitted the talents of Chief Justice Robinson, give the same weight to his authority as other hon. Gentlemen gave. There was one other observation which fell from the right hon. Gentleman, the Member for Tamworth, affecting this Bill, of which he had always felt the force and effect, namely, that in making this renewed constitution for Canada—that in binding that country to us by a new legislative act—we contract a still further obligation, by all means, military and naval, to maintain the connection between Canada and this country. He conceived with regard to any colony, that it was their duty to keep together and maintain together the various parts of this splendid empire. But with regard to men who at various times—at the end of the late war, and during the civil war which is now but just over—with regard to men who in those times have shown their fidelity to the British Crown, who have suffered in their persons, who have suffered in their property, and who have been exposed to continual alarm, plunder, and massacre, and who yet have maintained their fidelity unimpeached, and their loyalty unspotted; to desert them, and not to put forth the right arm of England in case any danger should threaten that connection, would be an act of the utmost baseness that any Minister of this country could be guilty of, and such an abandonment, and such a dereliction of

duty, as he did not believe any House of Commons in this country would sanction.

The House divided on the question, that the Bill be read a third time:—Ayes 156; Noes 6; Majority 150.

SUGAR DUTIES—WAYS AND MEANS.

Friday, May 7, 1841.

LORD JOHN RUSSELL rose and said: Sir, in rising to move that you do now leave the chair, I think it incumbent on me, owing to the notice given by the noble Lord, owing to the discussions that have taken place out of doors, owing to the attitude that has been assumed by various parties, both political and commercial, with respect to the question, to state to the House the general reasons that have influenced the Government in the adoption of the course they have recommended. Sir, I agree with the petition presented a little while ago from certain inhabitants of Bath, that this is a question not to be looked at merely as a commercial and financial one; because if it were of that character, I should willingly leave it in the hands of my right hon. Friend near me, by whom it would be treated with by far more knowledge of the subject, and far more perspicuity in stating the views of the Government than I can pretend to; but I consider it is a great national question. And there never, perhaps, has been submitted to Parliament a question which will be more important, not merely to the finances of the year, not merely for the commercial regulations of the present time, but for the conduct of the finances of this country, and for the regulation of the commercial affairs of this country for a long time to come, than that which I am now about to submit to the House. Sir, I cannot, how-

ever, commence my observations on this subject without adverting to that which I know has been said, and which nothing but the most inveterate hostility to the present Government, and an entire ignorance of the characters of the Members of that Government, can any way palliate. I cannot commence my observations without adverting to the assertion which has been made, that this question was taken up at the spur of the moment on the day before my right hon. Friend brought forward his proposal. Sir, I say that a long habit of hostility to the Government, and a total ignorance of the character of my right hon. Friend the Chancellor of the Exchequer, and the other Members of the Government, may afford some palliation for such assertions, but the assertion was a most unfounded one, and one which ought never to have been attempted to be palmed upon the country. The Government knew full well this was a subject of the deepest interest. They were fully aware, from the commencement of the present year, that the state of the finances would require some course to be adopted which would be consistent with the character of the country and the future stability of our trading and commercial interests. Sir, this question naturally occupied much of our time, and long deliberation—the difficulties, the objections, such as have been stated to-night in many of the petitions, were carefully and fully weighed; they made a great impression on some Members of the Government, and on myself; but after a certain length of time it was thought necessary to come to a decision, and the general decision was taken, upon grounds which I shall afterwards state to the House, that the two great questions of sugar and timber, should be undertaken for the sake of the revenue by the Chancellor of the Exchequer, and that I should give notice to the House that, as a general question affecting the protection to the landed interests—affecting the general welfare of the country—

that I should bring forward a proposal for an alteration of the Corn-laws. Sir, that resolution was taken some time before my right hon. Friend the President of the Board of Trade gave notice of his Resolution with respect to colonial duties, and that notice, I observe from the votes, was given on March 11. Sir, I thought it not right, certainly, that the question should be brought forward before we knew at the end of the financial year the real return of revenue as compared to the expenditure; but I thought it right, when these resolutions were under discussion, to state, which I did emphatically, that all these questions relating to monopoly and restriction had been under the serious consideration of the Government, that the Government was united on these questions, and would be prepared to bring forward other measures when the proper time arrived. I must state, moreover, that it did so happen, on the very day that the budget was brought forward by my right hon. Friend, that I received a letter speaking of the budget as a matter that had been settled upon from the information already given; and this letter came not from a gentleman living some fifty or a hundred miles off, who might have received notice of what was intended within a short space of time; but from the Governor-general of Canada, who had been informed of the intentions of the Government. I therefore think, after this plain statement, that, improbable as the story was before, it will no longer be attempted to be whispered or palmed upon the public that this was a sudden resolution, adopted on the spur of the moment, from I know not what party motives. Let me state, moreover, in announcing the decision to which the Government has come, that we were not ignorant of the vast interests, and what various portions of the community might be arrayed against us. We have seen this night the results which a combination of those interests can produce. We have

seen with how much tenderness those who import timber from Canada view the interests of the negroes. We have seen with what horror the landed gentlemen who oppose the introduction of foreign corn at a fixed duty, which I do not conceive to be an absence of protection, but which I think will give sufficient protection, with what horror they look upon the sufferings of those men who are taken as slaves to foreign countries. All this, and all those combinations I am prepared to meet, and I know at what disadvantage I stand here, not having to represent gentlemen belonging to any large branch of commerce, or connected with our colonial interests; not speaking the sense of members of a great body combined and associated together, having their subscriptions, and advertisements, and meetings regularly marshalled before the eyes of the public, not speaking of any other body than that—and a very helpless one on most occasions, the great mass of her Majesty's subjects—whose interests, whose welfare, whose fortunes are so deeply involved in the decision to which this House may come. In adverting to the whole of this subject I must not, I cannot, allow the House to separate from its consideration the position in which the Government was placed with regard to finance. There were many questions of very great interest relating to our foreign affairs, relating to our colonial interests, relating to the state of the country at the time, which required an increase of expenditure. It became necessary, in the opinion of the Government, to have a settlement of the question which had long menaced the independence of the Ottoman Porte. It was essential to the honour of the British name that they should demand redress for injuries inflicted upon British subjects by the subjects of the emperor of China. It was necessary to suppress an insurrection that broke out in Canada, the result, as I think, of the legislative arrangements mad e half a century ago.

At one time our domestic tranquillity was threatened, and when we resolved to meet the danger without having recourse to a law of extraordinary coercion, it was necessary to have a sufficient force belonging to her Majesty's troops to preserve the tranquillity of the country. With respect to all those measures, I know not that the House has differed from the opinions of the Government. In respect to some of them, individual Members may have disapproved of the course pursued; but with respect to all of them, they were supported by a great majority of the House of Commons. Of course if these efforts were to be made, it was necessary to endeavour that success should attend those efforts, and also to consider the means of providing for the increased cost. With respect to the success of those measures, with regard to Eastern affairs, I think that means employed, to the extent to which they were employed in that case, had never been attended with more speedy or more brilliant results. In Canada the insurrection which had raised its head had been effectually put down, and there were now great hopes of seeing a representation in that colony firmly loyal to the British Crown. With respect to our domestic affairs, tranquillity had been established without going beyond the ordinary law of the land. With respect to China, affairs there were yet in an unsettled state, but, as far as the expedition was concerned, as far as our naval and military affairs had proceeded, our success was unquestionable, and our forces have been attended with their usual prosperity. It became, then, necessary to provide for the cost of all these efforts, and we have now to decide upon the principle upon which this cost is to be defrayed. We have an amount, according to the statement of my right hon. Friend, the Chancellor of the Exchequer, of 2,400,000*l.* of excess in the expenditure of the year. I can understand, whatever plans may be adopted, that the Opposition in

this House, or a party in this House, on whatever side they may sit, may say, that those plans are founded on mistake; that the principle adopted is wrong; but to adopt the scheme of Gentlemen opposite, that of refusing to give any opinion at the time the Budget was brought forward, declining to give any opinion at that time, and now when we propose to go into a Committee of the whole House, merely to propose to negative and reject the proposal of Government, without affirming upon what principle of finance they are prepared to proceed; that is a course, which, much as the right hon. Gentlemen opposite may deride it, I do not think becoming any great party. Certainly a step more factious I have never observed in this House. Mind, I am not saying that an Opposition ought to state the measures to be taken for restoring the finances. I am not saying that they ought to indicate the taxes to be laid on, or that they should indicate the particular sources from which the public fund was to be repaired. But this is a question with respect to opposite principles of conduct. We have four courses to pursue; one which, I think, ought at once to be rejected;—namely, that of attempting, by some small and petty modes of taxation, to make up part of the deficiency that has occurred. Another mode is, by means of a loan to repair the finances for the present year. We have considered that question, and we thought upon the whole that it would not be for the advantage of the public credit, seeing that those expenses must be continued, seeing that it was not fitting, at the present time, to reduce either the navy, the army, or the ordnance, of the country,—we did not think it wise or becoming to have recourse to loans to supply the deficiency. If that is a principle which hon. Gentlemen opposite think ought to be sustained, I hope they will no longer hesitate in declaring their opinions. But there is another course—namely, that of adding very greatly to the direct taxation

of the country, either by a new income or property tax, or by a very considerable addition to the assessed taxes. But when we came to consider this course, we had to oppose to it the alternative, whether it would not be possible, by diminishing an excess of protective duties which existed at present, to give the public additional means of purchasing, not the luxuries, but some of the prominent comforts and necessaries of life, and, at the same time, to obtain an increase of revenue which should enable us to fill up the deficiency which has taken place. We came, in fact, to the opinion that this might be done; and from the moment that we had formed our deliberate opinion to this effect, it would have been wrong in us to have proposed to the House the imposition of an additional direct tax, either on property, or in the shape of an assessed tax, thus imposing additional burthens upon the whole of the people of this country whilst it was obvious that there were other ways by which the necessary income might be obtained, and, at the same time, the people at large not be oppressed, but rather relieved. This opinion, therefore, was taken up by her Majesty's Government; this course was resolved upon —a course and a principle more likely, perhaps, to lead any Government into difficulties than any other of the three alternative courses which I have already mentioned to the House; particularly when having to meet the additional feeling of opposition which the noble Lord has embodied in the Resolution which he intends this evening to propose to the House. But we could not shrink from this Resolution, when once its advantage to the country was agreed upon. When my right hon. Friend the Chancellor of the Exchequer shows, that according to his calculations, a large additional income may be derived from timber and sugar by means perfectly legitimate, and often resorted to heretofore in the financial arrangements of the country, we could not refuse to propose that scheme to the

House. And now I put it to the House, whether, when called upon to consider sugar and timber as a means of revenue, I should have affirmed, 'Yes, I do so consider them; but, at the same time, I dare not touch the project on account of the great particular interests which would be affected by it.' With regard to the protective duty on corn, my opinion is, that it works no advantage to the landed interests themselves, who so pertinaciously adhere to it, whilst it could be modified with advantage, not only to all the great commercial relations of this country with other nations, but also to the growers of corn in this country. Now, if holding this opinion, I were to shrink timidly from the assertion of it, I should have met the House of Commons without the same chance of support which I have in proposing what I believe to be good and right measures—measures which I believe, one day or other, will lay a new foundation for the commercial policy of this country. We could not have met the House with the same confidence as we now do, if, approving of these changes, we had been alarmed or deterred, by our fears, from proposing them. I shall say but a few words respecting those parts of the proposals of her Majesty's Government, which are not at present immediately before the House. With respect to the timber duties, I have been in correspondence with my noble Friend the present Governor of the Canadas, in the course of which I stated to him the intentions of her Majesty's Ministers on this subject, and he, as was very natural, replied, that the projected change would place him under great difficulties. There was another measure, however, which had been in discussion between my noble Friend and myself before he left the country, the particulars of which I need not now mention, which it was thought would be a measure of great relief and additional prosperity to the Canadas, without imposing any additional burthen upon this country; and my noble Friend stated, that if he were enabled to hold out a hope of passing this measure,

the Canadas would on the whole be gainers by the scheme. With regard now to the duty on corn. I have stated to the House the duty which I mean to propose—a duty framed, not as the noble Lord opposite supposes, in disregard of the principle of protection to the landed interests; but, on the contrary, such a protective duty as, considering the prices of foreign corn, and the expenses of importing it to this country and preparing it for the market, would, I think, generally keep up the standing price of corn to from 50*s.* to 60*s.* a quarter, and at the same time not expose the country to those ruinous fluctuations by which at one time importation became wholly prohibited, whilst at others, by a skilful and artificial arrangement of averages, a large importation might take place at a merely nominal duty. I come now to that question upon which a proposal is about to be made by my right hon. Friend the Chancellor of the Exchequer, in Committee of Ways and Means. The first thing which I think it necessary to state upon this subject is, that the present duties on foreign sugar bring the question completely within the scope of the principle which I wish to see adopted—the principle of abolishing prohibition, and constituting fair and moderate protection in its stead. I believe that the principle of prohibition is injurious in every way to the people of this country, and generally prevents the importation of the article itself at so cheap a rate, and so good, as it could be without it. The present duty on foreign sugar is 63*s.* a hundred-weight, which, except on very rare occasions, as for instance, in the course of last year, completely excluded it from the market. So much was this the case, that at certain periods, I think, for instance, in the year 1815, when it was thought right to admit foreign sugar into the market of this country, there were special Acts of Parliament to admit it at a lower duty. I am not now arguing whether foreign sugar should or should not be admitted into this country; but the case is certainly one in which the principle of prohibi-

tion clearly applies. The next proposition I shall state is, I think, supported by what is remarked in various petitions presented to the House this evening—namely, that the duty proposed by my right hon. Friend will give such an amount of protection to our West-India colonists as will enable them to grow their sugar with profit for our market. With a duty of 37*s.* per hundred-weight, added to the present average price in bond of foreign sugar, which may be taken at 22*s.*, the price would be 59*s.*; but allowing for the rise which would necessarily take place on the increased demand consequent on the reduction of duty, the market price could hardly be put at less than 61*s.* But this is the very price which the West-India planters themselves say they would be able to sell their sugar at; and, it may be asked, if they are able to introduce their sugars at 61*s.*, why should it be necessary to introduce foreign sugars also at the same or a higher price? To this, I think, the answer is very plain. What the West-India growers have stated with regard to the amount of supplies which they may be able to produce, may be proved: but, until it is so, it is mere calculation and assertion; and if it should happen that the price of their sugars should rise to 86*s.* or 88*s.* a hundred-weight, there would be no remedy against that high price. These high prices not being counteracted by any competition, would become a grievance to the people of this country, the magnitude of which could hardly be exaggerated. Now, with regard to this great principle of competition, I think that if I were to quote the instances of its beneficial operations, they would be so numerous that I should weary the House with them. But I know no reason why I should not state sufficient to apply the principle to the present case. For this purpose I will mention two instances. In 1786, the earthenware of England was admitted into France, and the result was, that in a short time the earthenware manufac-

ture of France was greatly improved by the spirit of imitation and competition. Again, when French cloth came into England, the English who previously produced an article of very inferior quality, imitated the produce of their neighbours, and sold the imitation as French, producing it, at length, as cheap and better than any that had before been seen in the country. Similar and equally notorious were the results in late years of the great and laudable exertions in favour of the principle of free trade, made by that talented man, and high official authority, Mr. Huskisson. For instance, on the measure for the admission of foreign silks and gloves, Parliament was told that English silks and English gloves were of so inferior a manufacture that all those engaged in that manufacture would be ruined if they had to compete with articles of foreign produce; whereas, on the contrary, a great improvement and extension had taken place in those very branches of manufacture which it was predicted would be ruined by these changes. And what will be the case with regard to sugar? The statements which are received at the office, at the head of which I have the honour to be, give the most gratifying proofs of the beneficial effects which the abolition of slavery has had in inciting the growers to increased regularity and improved methods of cultivation. As long as slavery existed, nothing could be worse, or more barbarous, than the modes of cultivation pursued in the West-India colonies. The abolition of slavery was immediately followed by improved methods and contrivances. As an instance of these improvements, I will beg to read a passage from the official reports to which I have alluded:—

'Mr. Grant, senior stipendiary magistrate in Manchester, states a fact which contains much promise in it; a machine for peeling coffee, "which will not only effect a great saving of manual labour, but will expedite the process of manufacture, perform the operation more effec-

tively, and save the heavy and expensive buildings required for the rude and cumbrous machine now in general use," has been invented by a Mr. John Humble of St. Ann's. He has had to contend, according to Mr. Grant, with "strong prejudices and ridicule, and opposition and apathy, before he could obtain a practical trial for his invention." I presume, therefore, that it has been tried at last, and that the result of the trial has been satisfactory, but no further particulars are given. If there is one thing which the West-India planters should desire to see more than another, it is a man making his fortune by some patent invention for the abridgment of labour.'

This is a sample of the efforts at improvement which are now making by the West-India planters, and I contend that by the admission of some competition in the home market, by admitting the possibility of sugar and coffee from elsewhere being sold in this country, we shall be stimulating the inventions of these persons, and making them exercise that industry and that inventive energy which Englishmen have always shown themselves foremost in displaying and carrying into effect in all matters of practical utility. I have now stated the principle upon which I wish the House to act upon this subject, and to fix the duty upon foreign sugar as low as they think it could properly be admitted at; what that duty should be in amount I will not now discuss farther, it being a proper subject for the House to consider when it shall have resolved itself into Committee on the subject. I now come to another point, one on which I think the House should lay the greatest stress, one to which I am sure all parties attach the greatest interest. After discussing questions on which so much opposition has been manifested in this House, I am happy to dwell for a moment upon one statement which I think will be gratifying to all parties—a statement showing that the great act of emancipation which

this country so nobly carried into effect at an expense of 20,000,000*l.*, has been most successful and happy in its results to the interests and happiness of 800,000 fellow-creatures. It is impossible to read without the liveliest satisfaction the official statements on this subject; from which it appears, that the negroes are many of them acquiring all the comforts of life, and proceeding to become the proprietors of small portions of land. Perhaps the House will permit me,—as the subject is one which does not often come before it in the ordinary course, and on which no direct motion is likely to be made, being a matter whose operation is going silently on, without the necessity for much legislation or active interference, to read a few of the statements which had been officially made to her Majesty's Government by the stipendiary magistrates appointed to the West-India colonies, showing some of the results of the Emancipation Act in the respective islands in which they were employed. The first passage which I shall read to the House relating to the crops in Jamaica is rather unfavourable:—

'Our accounts from Jamaica, as far as they relate to the sugar crops, are unfavourable. The crop of 1839 fell considerably below the average of the four years of apprenticeship, which was itself considerably below the average of the six years preceding. The crop of 1840 appears to have been shorter still—in twelve districts out of twenty, very much shorter; and even this is not expected to be equalled by that of 1841. The exact amount of the deficiency the reports furnish no data for estimating.'

In connection with this statement, however, it is gratifying to learn from the same authority, that 'throughout Jamaica, it is an object of ambition with the peasantry to possess cottages and gardens of their own;' and to show the extent to which this feeling has prevailed since the

year 1838, Sir C. Metcalfe, in a despatch dated December 14, 1840, informs us that the number of freeholders assessed as holding freeholds under forty acres was in 1838 2,014, in 1840 7,842, being an increase of 5,828. Now, whatever deductions in regard to motives may be drawn from them, I think these statements are in themselves highly important; for, if we wish foreign nations to follow our example in the emancipation of negro slaves, it is highly important to show them, that the people to whom that great boon has been granted, are sensible of its value, and are improving in every way under its influence. In Barbadoes, according to the report of the stipendiary magistrates, the labourers are allowed the use of a cottage, and a spot of ground (about a quarter of an acre) rent free, but in return, they are expected to work regularly for the estate.

'They work under verbal agreements from day to day; and the ordinary rate of wages is about 1*s.* sterling, for a day of eight or nine hours: not so high as in Jamaica. Task-work is hardly anywhere resorted to. The labourers are perfectly quiet and peaceable; and though the police magistrates (who are most of them planters) do not give them a high character for industry, or regularity, or duty to their superiors, the main fault imputed to them comes, I think, to little more than this, that they have no abstract love of field labour, and no such solicitude for their master's interests as should induce them to work harder on his account than they need to do on their own. It seems, however, to be universally admitted, that they are raising their scale of comforts, and improving in their habits and tastes; and that they supply themselves with the means of satisfying their new wants, by fair working at no extravagant rate of wages.'

Of Antigua we read as follows:—

'The transition from slavery to freedom, sudden as it

was, settled kindly upon Antigua. The people continued, for the most part, to reside on the estates as before, and to work for them at moderate wages; and whatever may have been said about the want of continuous labour, the broad result was, that the average sugar crop of the first five years of freedom, ending in 1838, exceeded by about one-ninth the average of the last five years of slavery, ending in 1833. Since that time there has been a gradual improvement in the general condition of the island, but no very striking change. Offences have decreased in number, marriages have become more frequent, and concubinage more disreputable; schools and friendly societies have been extended, with good effect; the dislike to field labour has been observed to be going off; and the children, (who had at first been withdrawn entirely from all work on the estates,) were again beginning to be employed. Imports have increased ten per cent., and it is said that not six people in the island would have the former state of things back again if they could.'

But the accounts from British Guiana are still more striking:—

'By all accounts, the change for the better is universal and rapid, and apparently without any material drawback. The worst that can be said is, that the women are working much less than they used to do; that the boys and girls between ten and fifteen, are mostly at school, and are afterwards brought up to domestic service, or to some trade, instead of performing the light work of the estates; and that the men will not always work "when their pockets are full." But while they are at work, they work as well, or better, than they used to do, and they work enough to enable them not only to eat and drink what they like best, and to dress as well as their masters, but in a great many cases to purchase their acre of land, at a cost of 15*l.*, on which to erect a cottage that will cost

about 50*l.* Their provision grounds are in better cultivation than they were; the imported produce consumed by them has increased largely; money circulates more extensively; new stores have risen up in great numbers; cottages and hamlets are rising in all directions on plots of land purchased for the purpose by the labourers; marriages and births are on the increase, mortality on the decline; schools and churches more numerous and better attended, the gaols almost empty, and the courts of session have scarcely anything to do. Two or three cases have occurred in which several labourers have clubbed together, and paid down large sums of money for estates, with the intention to cultivate sugar on their own account; and these enterprises appear to be regarded as promising, though the fruits have not yet had time to appear.'

One of these purchases of land was to the value of 20,000*l.*, which was clubbed together for the purpose by a number of negroes. And as an instance of the value which was attached to the free labour of these men, it was mentioned, that on frequent occasions of task-work, as much as 4*s.* 6*d.* a day was earned. I will now read another statement from a most respectable Gentleman, Mr. J. Candler, a Member of the Society of Friends, the accuracy of which cannot be doubted, and the contents of which are most gratifying.

'I have examined "M'Queen's Statistics of the British Empire," published in 1834, in which he gives a prospective statement of what may be expected in the West-India colonies in the year 1840. He there places the number of predial labourers as likely to work for wages at much too high, and places the wages they are likely to receive at much too low. An attentive inquiry leads me to the conclusion, that, comprising all who work, we may estimate the effective field labour done, as equal to that of one-third of the predial population, or about 90,000 persons working

five days in the week, at 1*s*. 6*d*. sterling per day; and in this view of the case I am borne out by the opinion of Thomas M'Cornart, the custar of St. Thomas in the East, attorney to Andrew Archdeckne, Esq., of your country, with whom I talked the matter over in his own parlour. A much larger number of people than this is actually engaged in field labour, but many are women who are not robust, children under fourteen years of age, and infirm old persons. Many do not work five days in every week, and the wages that many receive are much less than 1*s*. 6*d*. per day; but, taking all these circumstances into consideration, this computation, I am satisfied, will be found moderate and below the truth. Now, 90,000 persons working five days in the week at 1*s*. 6*d*. per day, will receive 1,755,000*l*. per annum; and if we deduct from this the rent of 67,500 predial cottages and provision grounds, on the calculation of M'Queen, of four persons to a cottage and ground, which, at 2*s*. per week, would amount to 350,838*l*., we have a surplus of 1,404,142*l*. paid annually in wages to predial labourers alone; and if we add, on the same principle, the net wages paid to non-predial, we shall have a total of 1,750,000*l*. paid annually to all the labourers. The provision grounds attached to the cottages furnish more than bread kind enough for all the families enumerated, giving them a surplus of provisions to be disposed of at the market towns for money, and leaving them nothing to buy but what they call salt, that is, salt fish, to season and improve their food, clothing (of which they want but little), and such luxuries as they may choose to procure. Now, I would ask, where besides, in the whole wide world, is there a peasantry that, with so little toil, has such a command over the good things of this life? These people keep poultry, which feed on the refuse of the cocoa nut, after they have boiled it for lamp oil; they keep pigs, which feed on weed bine and garbage, and fatten

during four months in the year on the fruit of the mangoe tree, which spreads itself everywhere, in hedge-rows, and in all woodlands, and yields an incredible supply of food. They keep goats, which roam where they please; and many of them keep horses, asses, and mules, which they tether at home, or suffer to trespass on the open pasture. Under slavery all the people, except young children and the sick and infirm, were compelled to labour. On the calculation here made, only one-third of the population is considered to be thus employed, leaving children at liberty to go to school, mothers at liberty to tend their infants, and ample time, independent of the Sabbath, for recreation and rest to all classes. The people of Jamaica prove this statement to be correct by the manner in which they now live; they do not work very hard, they live well; they dress handsomely, they send their children to school, they attend a public worship, after walking and riding six, eight, and ten miles to do so; they build chapels at their own expense, support entirely many of the missionaries, and do works of mercy in sustaining their sick relatives and friends. Slavery, indeed, has left a taint which will require at least a generation to purge away. Much darkness, superstition, and heathenish immorality remain; but the change for the better is fast going on. We have every thing greatly to encourage us, both in the civil and religious condition of the people.'

Such is the gratifying account which we have of the state of things in Jamaica at the present moment. The accounts which we receive from the governors and others in other colonies are equally satisfactory and encouraging. With regard to the argument which is to be deduced from these statements, I would beg the House to consider whether they think that the happy condition of the Negro population depends upon a very high and excessive price being given for free labour. Upon this point I have

asked those who have complained of a short amount of labour why they did not give higher wages; and to this question the answer was given that increased wages would not hold out an inducement to regular labour, but only to occasional exertion, in order to obtain the means of enjoyment during an interval of idleness: and this fact was used as an argument for the necessity of immigration. If, then, the duty on foreign sugar be reduced below 63*s*., is there any reason to suppose that the people of Jamaica would not continue to labour, and to be as well off as any population on the face of the globe? Upon this point I must say that, rejoiced as I am, and as all must be, at the termination of the existence of slavery in the West Indies, I do not think it incumbent upon us to force the production of sugar there, which is not necessary for the people of Jamaica, whilst the article itself is very necessary to the comfort of the people of this country. Having done all that we could in the generosity of our nature for the people of that country —having granted them their freedom, and given them a good and wholesome administration of justice, together with other advantages of the like kind, I do not think that we should be justified in giving our attention exclusively to their interests, and in endeavouring, by a mistaken policy, to force the cultivation of sugar in the West Indies, whilst the people of this country were suffering from want of the common comforts and necessaries of life. I have told you of the extreme comfort enjoyed by the people of Jamaica, and the happy prospects in other West-India Islands; and I will now give you a statement of another kind, that of a gentleman of good authority relating to the state of the labouring population in Bolton:—

'In the cotton mills alone, about 95,000*l*. less have been paid during the last twelve months. Many of the mills have been entirely stopped for all or part of the time, and

with only two exceptions, all have worked short time for a considerable portion of the past year. I have made a very careful calculation from extensive personal inquiry, and assert most confidently that, altogether, there must have been at least 130,000*l.* less paid in wages in the Bolton Union. Now, add this 130,000*l.* less in wages to the 195,000*l.* more for food, and there is a total loss to Bolton of 325,000*l.* What are the consequences? There are now in Bolton 1,125 houses untenanted, of which about 50 are shops, some of them in the principal streets.—Here is a loss to the owners of 10,000*l.* to 12,000*l.* a-year. The shopkeepers are almost ruined by diminished returns and bad debts. There were, a short time ago, three sales of the effects of shopkeepers in one day. Distraints for cottage rents occur daily. The arrears of cottage rents, and the debts to shopkeepers, are incalculable, but they amount to many thousand pounds. The pawnbrokers' shops are stowed full of the clothing, furniture, and even bedding of the destitute poor.—Fever is also prevalent. Mr. R. S. Kay, one of the medical officers of the union, and a young practitioner of great promise, lately took the infection of malignant typhus fever, and last week fell a victim to his harassing duties. This gentleman had latterly worked almost day and night. A short time ago 590 persons were relieved by the Poor-law guardians in one day, in amounts varying from six to eighteen pence per head per week. In many cases two or three families are crowded into one house. In one case, seventeen persons were found in a dwelling about five yards square. In another, eight persons, two pair of looms, and two beds, in a cellar six feet under ground, and measuring four yards by five. There are scores of families with little or no bedding, having, so to say, eaten it, *i.e.* pawned or sold it for food. The out-door relief to the poor is three times greater in amount than on the average of the three years

ending 1838. South of Bolton, four miles, a large spinning establishment, giving employment to 800 and subsistence to 1,300 persons, has been entirely stopped for nine months. The proprietor has upwards of 100 cottages empty or paying no rent, and, although possessed of immense capital, finds himself unable to continue working his mills to advantage. Entering Bolton from Manchester, another mill, requiring 180 hands, has been entirely standing for eighteen months. In the centre of the town, another, 250 hands, stopped several weeks. North of Bolton, one mile, a spinning, manufacturing, and bleaching establishment, on which 1,200 persons were dependent for subsistence, has been entirely standing for four months. Several machine makers and engineers are now employing one or two hundred hands less than usual, at wages varying from 15*s.* to 40*s.* a week. A public subscription amounting to nearly 2,000*l.* has just been raised to mitigate, in some degree, the sufferings of the destitute poor; in fact, to deal out a scanty pittance, just sufficient to keep them from actual starvation, to a body of workmen who possess, perhaps, greater skill and industry than any population of similar numbers on the face of the globe, but who are forbid, by the inhuman policy of our landowners, to exchange the produce of their labour for food in the open market of the world.'

There are other similar accounts from Manchester and other manufacturing towns, from which it appears that generally work is falling off, and the people with difficulty obtain wages sufficient to support life, and that bad as the present state of things is, there are still apprehensions that they may get much worse. I ask you then, as the representatives of this country, with all your humane views in regard to the West Indies, not to be so misled as to force the people of this country to refuse themselves the use of some of the most essential articles of the most

moderate and temperate diet, whilst the people of Jamaica —for whom you would call upon them to make this sacrifice—are a people with whom the unfortunate people of Bolton and Manchester would gladly and willingly change places. We are, in fact, as I consider, in a very great crisis in respect to our manufactures. Whether it be owing to the increase of manufacturing enterprise in Germany, Switzerland, and France—whether it be owing to a disposition on the part of the United States of America to impose still further restrictions upon the admission of our manufactures—whether it be that the manufactures of this country have already been carried to such an extent, that unless new markets be opened for its produce it cannot be sustained on the footing it has acquired—whether it be from one of these circumstances, or from all combined, the fact is still, I fear, undeniable, that there is very great danger—that a considerable portion of the working population of this country, so far from being able to enjoy, not the luxuries, but the ordinary necessaries and comforts of life, will be obliged to resort to the relief given to the poor as paupers before the close of the present year. And I ask the House whether at such a time as this, it will refuse to the people of this country, so circumstanced, that legitimate means of relief which a wise modification of fiscal imposts would be calculated to afford them. I have often witnessed with pain that too many working men are induced, for the temporary gratification of their appetites, to spend a large portion of their wages on intoxicating liquors. But I am glad to say, that this is not now the charge which I can bring against the working population of this country, whose unfortunate condition I now refer to. I find that, instead of spirituous and intoxicating liquors, these men now in great part resort to tea, coffee, and sugar, as a means of obtaining some little comfort, and of invigorating their frames for

the toils of the day. I say, that this is a disposition which should be encouraged. Is the poor man to go into the grocer's shop (a case which I have heard occurred last year), and, after hearing the price of sugar, turn away in sorrow and despondence because the article is placed beyond his reach? That has been the case under your present law—that has been the effect under your present duty. You may tell me of your expectations; that you have a promise of reduction from merchants, associations, and colonial clubs; but supposing these promises fail, and that Parliament, on the faith of them, have not changed the duties, why, in the course of the next autumn, your labouring people will be suffering the same privations from the want of this necessary of life as they are now. But we are told, that though there may not be a sufficient supply from the West Indies, yet that in the East Indies that deficiency would be supplied, and that a great capital would be sent from England for the purpose of raising it. It is very possible, that your financial laws and restrictions may so order it, that in the course of years the sugar planter in the West Indies may find himself defeated, not by the competition of the foreigner at 30*s.* the hundredweight duty, but by the competition of the East-India proprietor at 24*s.* duty, and with a freight very little above the charge which the West-India planter has to bear. That you may find to be the case, but you will then have created a new and more formidable monopoly—not one upheld by a certain number of planters, not existing in such a place as the West Indies, with which Parliament is perfectly competent and formidable enough to deal, but a monopoly backed by a formidable government—backed, not only by those interested in East-India Sugar, but by all who take a part in the Government of the East Indies. Then, again, will arise other questions: supposing the production of East-India Sugar should entirely extinguish

the monopoly of the West—not entirely new, but of a most difficult kind—questions which I never hear without some apprehensions for the result of your interference. You would have the question of how to deal with a population receiving three-half-pence a day, and which, when transferred to Demerara, you have been compelled to force to labour by corporal punishment: you will have the question how far it is proper to interfere, not with such a simple system of slavery as was established in the West Indies, but with the whole of the relations and complicated state of society in the East Indies; and you will finally have the question how far you are justified in giving an advantage to the East Indies as against the free labourers of the West. Therefore I should fear that no legislation could be adopted which would rest on a stable and permanent foundation if the East Indies, and the East Indies alone, were to furnish the whole supply to this country. Now, then, the noble Lord (Viscount Sandon) has proposed a Resolution stating his objections to the particular measure of the Government in very guarded terms. He does not say directly—he does not wish the House to say—that this country should never admit foreign Sugar. He does not choose to say, that slave-labour Sugar should be prohibited and never come into the market with free-labour Sugar, but he says, very cautiously, 'This House is not prepared (especially with the present prospects of the supply of Sugar from the British Possessions).' Now, I can well understand—though I think it a most mistaken feeling—that a man, having such a scruple of conscience—such a horror of slavery and of slave-grown articles, as not to consent to consume them—should not give his vote that these should be admitted for consumption. I can imagine such a man, saying, 'Be the hated traffic prohibited for ever, and whatever the price, I will have free-grown Sugar; but free-grown

Sugar it must be, or I will not consume it.' But the noble Lord says no such thing. He says that, with the present prospects of supply, 'this House is not prepared'—to do what?—'to adopt the measure proposed by Her Majesty's Government.' I understand that, as a great party move, perfectly well. It leaves the noble Lord (Viscount Sandon) quite at liberty to say, hereafter, 'the increased supply we calculated upon is not forthcoming; the hopes entertained by our friends were, we admit, over sanguine; Lord Harewood and others of our supporters were mistaken in their views, and we now submit a measure, not the same as that introduced by Her Majesty's former Government —that's gone by; we defeated them on that question, but we feel compelled now to bring forward a proposition which will admit slave-grown sugar.' There is not a word in the Resolution of May 7, 1841, which provides for adopting a new measure, should the other prospects which it alludes to, of a more favourable nature, be secured. I say the noble Lord, with his views, was right in moving the Resolution in its present shape; but if it meant to embrace the sentiments of those who protest against slave-grown sugar, it should have been totally different. If you mean to raise a question as to the amount of protection, your course is clear, when my right hon. Friend (the Chancellor of the Exchequer) moves his Resolutions in a committee of the whole House; but this Resolution seems to forbid entertaining the question of introducing foreign sugar, and does not forbid it. This Resolution looks as if it were full of humanity, and yet has a corner left open for the introduction of free trade principles. In fact, Sir, this Resolution is totally unfit to be proposed before you leave the chair, and ought not to be adopted. With regard to the former part of the Resolution, it is stated,—

'That considering the efforts and sacrifices which Par-

liament and the country have made for the abolition of the slave trade and slavery, with the earnest hope that their exertions and example might lead to the mitigation and final extinction of those evils in other countries, this House is prepared, &c.'

What do those words mean? Is it intended to convey by them that whatever may become of the commerce of the country, you are prepared to refuse admission to all slave-grown sugar? If that is the case, what do you say to various other articles now imported into this country? I shall leave out of the question cotton and other articles, on the ground that they do not compete with products supplied by free labour of our own. This may be considered some ground for their exclusion, though I do not consider it a sufficient one, when the question is based on moral and national considerations. The question, as the petitioners from Bath state, should be considered not merely as one of commerce, but in a national point of view, and turns upon the practicability of abolishing slavery in every part of the globe. But there are articles which you admit the produce of slave labour, though similar ones are supplied by free labour. There is one remarkable instance arising certainly from an evasion of the law, and which was brought to light by the import committee which has been so often mentioned of late. I allude to the importation of Brazilian coffee by the Cape of Good Hope. I have taken the following return from the statistical volume lately presented to the House:—

Coffee.	Imported.		Home Consumption.	
	1838.	1839.	1838.	1839.
	lbs.	*lbs.*	*lbs.*	*lbs.*
British Possessions	22,506,000	15,729,000	22,539,000	18,041,000
Foreign from within limits of Company's charter	3,343,000	20,802,000	3,217,000	8,667,000
			25,756,000	26,708,000

Now, what is the history of this? This coffee is the produce of slave labour, though imported by the Cape of Good Hope. Does the noble Lord (Sandon) propose to levy, for the future, 15*d.* a lb. on this coffee? Does he think, that the persons consuming this coffee will be willing to pay it? Or, can he imagine, that those who would not receive slave-grown coffee will look upon it as perfectly harmless when filtered by a voyage to the Cape of Good Hope? Well, then, you have slave-grown coffee coming into this country, and if you intend to prohibit it, you can impose the high duty I have mentioned above, and you will then have the satisfaction of reflecting, that you have raised the price of coffee as well as of sugar. But, if you adhere to your present Resolution, you will fall far short of the demands of what you are pleased to call an enlightened humanity. Where is the philanthropist who will tell me 'I have a cup of good slave-grown coffee, and by putting a lump of free labour sugar into it I shall make the potation quite innoxious—and any person, whatever may be his regard for the negro, and however much he may prefer the interests of a man with a black skin to one with a white, will be exposed to no reproach—no remorse of conscience—if he qualifies his beverage by the addition I have mentioned?' There is another instance of your acting contrary to your professed principles, in the case of sugar. You are great refiners of sugar in this country. Men of great capital are engaged in that trade, and you carry it on for the purpose of exportation to foreign countries. How do you justify that? If it is wrong to deal with countries where slave sugar is manufactured, how can you defend your conduct in acting as it were as 'a go-between' with foreign countries? But there is a still stronger case; for it appears in evidence, that the planters of the West Indies, wishing to obtain advantage of the low duty of this coun-

try, do advisedly send slave-grown sugar, when refined, from this country to the West Indies. But you (the Opposition) will stop that and twenty other things of the same kind. Let the noble Viscount (Viscount Sandon) stop likewise the importation of coffee from the Brazils by the Cape of Good Hope; let him stop all communication with slave colonies; let him interrupt and vex our commerce; yet I defy him, keeping the character of this nation as a commercial country in view with common humanity to the artisan of this country, to carry into effect a total non-intercourse with the slave-growing countries. Well, then, I come to the conclusion which one can hardly help arriving at, that this Resolution, well as it sounds—philanthropic as it may appear, is in effect, good for nothing; but, as it serves a party movement, and tends to no other purpose than to embarrass the financial plan of the year, by collecting together, in opposition to it, all those who have an interest in the productions of the West Indies, and who would fain have something as like a monopoly as they can, and those who entertain a feeling, which does them the highest credit, and which must always be looked on with the greatest respect, of abhorrence to slavery. But if we consider the question as a party question, I am obliged to put another to the House—where is the party which has been ever anxious and foremost in assisting the abolitionist cause? I have been looking to records of speeches—not of those made in our day, and for the purpose of reproaching hon. Gentlemen opposed to me—and I find in them Colonel Tarleton, giving the number of ships and men employed by the port of Liverpool, in carrying on the Slave-trade on the coast of Africa and the West Indies. The opposition was so great from Liverpool and other places, and the opposition in this House was so overwhelming, that Mr. Pitt, notwithstanding his eloquent speeches in the

cause, found himself deserted, like other Tory leaders, when he exceeded the liberality of his colleagues; and the Slave-trade continued until the Whigs, in 1806, put an end to the abhorred and horrible traffic. With regard to slavery, also, though attempts were made by Tory governments to mitigate the most revolting features, such as the corporal punishment of women, and other improvements which were never carried practically into effect, it was not until another Government was called to power, that slavery was finally abolished, and that the noble Lord (Lord Stanley) who now sits opposite, as the organ of Earl Grey's Government, proposed a grant from this House, in order to get rid of that stain on our country and our commerce. If we have made these efforts with effect, and found an absence of any really practical plans for securing so noble an object on the part of our opponents—when I see a Resolution of this kind, I am tempted to say to those who never did anything effectually for the abolition of the Slave-trade, or of slavery, 'you now come forward for a party purpose with an affectation of humanity to which your past conduct does not give you a just title.' Sir, I believe I have stated the reasons why, on general grounds, the proposition of my right hon. Friend should be supported, and why the Resolution of the noble Lord should be rejected. There are various other questions which would remain even if the House went into Committee on the subject. With regard to the protecting duty we propose, that is a matter of detail open to discussion in Committee. With regard to other propositions made and supported by plausible reasons, such as that for the reduction of the duties on colonial sugar, I should say, as my own opinion, that while I do not think that the revenue would benefit to the extent stated by my right hon. Friend the other night by a reduction of the duties, yet these are the articles with regard to which all must

look forward with anxiety to the time when such a reduction may be effected. There is no article connected with the comfort and welfare of the people on which it is more advisable to effect a reduction of duty than this; and though the revenue may for a time suffer by such a change, it would be speedily reimbursed by the increased consumption. There are other questions, particularly that arising from our relation with the Brazils. Supposing we were able to reduce the duty on our colonial sugar, we should then have an opportunity of knowing whether the Brazilian Government was disposed to renew their commercial treaties, and on what terms, and we should besides be in a position to point out to them the risk which that Government and every other Government must run which has a large proportion of its subjects retained in obedience solely by coercion; we should be able to show them not only the moral mischiefs and the guilt of slavery, but how, under a different course, their commercial and agricultural prosperity might be secured, and their relations to this country be rendered amicable and permanent. But if you adopt the Resolution of the noble Lord, and at once announce your determination to reject all slave-grown sugar, what will the Brazilians—who may not criticise the Resolution so nicely as I have done, do? Will they give up slavery? Will they renounce piracy? Will they not sell their sugar? Ay, sell it they will, and sell it they can; but they will sell it to other nations. Merchants who deal with the Brazils tell you that many articles will go there from Germany, and printed goods from Switzerland, in exchange for sugar produced by slave labour, which will not be in the least diminished. In fact, the only advantage gained, would be, that the commerce now carried on with us would be transferred to other nations. And what is all that you can effect? You do not change the Brazilians into free labourers, but you send their sugar and coffee,

the products of slave labour, to be consumed by other countries. I cannot see that anything would be gained to the world, or that the negro slave in Brazil would be much comforted if he were told—'the sugar you are working is not to go into the mouth of the English shopkeeper or artizan; you shall work and be flogged to death that Germany and Switzerland may enjoy the products of your labour.' I own, as I stated at the commencement of what I addressed to the House, that I do think that this question may in a different point of view from the noble Lord's be of great interest, not to the Brazils and the United States, but that with regard to the continent of Europe, the example you are now giving would be of the utmost importance. If they see that this great commercial country, this free country, which has long entertained such questions, has come to the decision that restriction and prohibition are the best maxims of commercial policy, they will quote that example for their own guidance; their manufacturers will quote it for their own regulations, and those of the people under them; and restriction and prohibition will thus become the rule of all the intercourse of the world. Now, is that for your advantage—is it for the advantage of the world? I say, for your advantage it certainly is not; for, as a great commercial and manufacturing nation, your plain policy is to promote the extension and diffusion of commerce and manufactures. No more is it for the advantage of the world; because my belief is, that the more free and unrestricted is intercourse, the more the nations of the world are mingled together by the ties of peaceful commerce, the further you carry your bales of goods and cases of hardware, the more widely will you diffuse that general knowledge and maxims of civilization and Christianity which belong to a nation which stands in the front rank for these qualities. You must observe that, though you now stand in so proud and eminent a rank in

this respect, you are liable to those vicissitudes which may alter your position. You do not stand like Rome—

> Rome, it is thine alone, with awful sway,
> To rule mankind, and make the world obey,
> Disposing peace and war thy own majestic way.

We are, on the contrary, among several nations of great power, of great civilization, with institutions, some of them as free as our own, many of them having advanced to great wealth, and competing with and rivalling you in the arts of peace and the productions of commerce. Give them a right example, and you will still stand, not only their equal, but the foremost amongst them. Take a contrary course, and say this is the day on which you have resolved on restriction and prohibition; tell them your merchants of the East and West Indies, your timber merchants of North America, and the land-owners of your own soil have raised monopoly as the standard under which they mean to march, and by which they will abide, and you will rapidly spread your example: and when you may wish to retrace your steps, you will find the lesson you have taught too well appreciated ever to be forgotten. Having these views of the state of this country,—having these views of the state of our colonies and of the other countries of Europe,—it was our bounden duty to state them to Parliament. And as they formed the subject of our advice to our Sovereign, we felt bound to produce the results of that advice to the House, and to let this House determine thereupon. If you should adopt the plan which we propose, we look confidently forward to the increased prosperity of the country. If you do not take that course, on this House be the responsibility of rejecting our measures. We have discharged the only duty incumbent on us,—that of not having concealed our opinions, and done our best for the service of our country.

CONFIDENCE IN THE MINISTRY.

June 4, 1841.

LORD JOHN RUSSELL: Mr. Speaker,—I could have wished to have addressed the House at an earlier period of this debate, soon after the temperate speech of the right hon. Baronet who introduced the motion, but I considered it my duty to wait until I heard the various arguments and allegations which could be urged in its support, and until I heard the charges which might be preferred against the Government. Admitting, as I freely do, the great ability and eloquence with which the motion has been supported—admitting the great numbers who are likely, on a division, to give their assent to it; yet, I may say, that a motion less consonant with the spirit of the constitution, or less founded on real matter, I never knew submitted to the House of Commons. The noble Lord who last addressed the House, in one phrase of his speech, said, that the time had come when the House must get rid of an Administration which had so long crippled the energies of the country. Now, that is a fit charge to bring against the Government. If that charge had been formally preferred by a motion, and if it could have been supported by arguments and evidence, I am the last person to deny that the confidence of the House ought to be withdrawn from us, and that no prerogative of the Crown, no personal favour of the Sovereign, ought to protect us from a declaration of want of confidence on the part of this House. But where is the evidence that the energies of the country are crippled? Is it in the Mediterranean? Have we been wanting in the due support of our ancient ally, the Sovereign of the Turkish empire? Is it in India? When her Majesty's representative was insulted and outraged in the territories of the Emperor of China, did it appear to the world that,

in the steps we took in reference to that matter, the energies of the country were crippled? Has there been any indication that the energies of the country were crippled, when we have been called upon to assert the national policy or avenge a national insult? Then, with respect to our Colonial possessions, I confidently ask, have the energies of the country been crippled? Have not the Government effectually subdued insurrection in Canada; and is not that colony now increased in strength and more firmly attached to the mother country than before? Is it at home that the energies of the Government have been crippled? Have insurrection and insubordination gained head in this country; or has it appeared that the powers of the law have been intrusted to hands unequal to the task of maintaining the peace of the country? With respect to Ireland, so long the source of complaint and discussion in this House—a country whose people all parties had long desired might, by some method, be conciliated to the support of the Crown and Government of the empire—is it in Ireland, I repeat, that we have proved that we are unable to secure the affections, and have lost to the Crown the support, of a generous people? What right, then, I ask, has the noble Lord to charge the Government with crippling the energies of the country, when, during the whole of this debate, neither he, nor any other Member of the numerous and able Opposition I see arrayed on the benches before me, has been able to adduce a single proof in support of that charge? I trust it will be unnecessary for me, after the convincing reply made by my right hon. Friends, the President of the Board of Control, and the Secretary at War, on the first night of the debate, to the constitutional argument of the right hon. Member for Tamworth, to dwell long upon that topic. The general proposition of the right hon. Baronet is, that a Government which does not possess the confidence of the House of

Commons, in a sufficient degree to enable them to carry their measures, ought not to remain in office; and that their continuance in office, under such circumstances, is contrary to the spirit of the constitution. The right hon. Baronet referred to several acts and proceedings of this House, which, in his opinion, prove that the present Government is in the situation pointed at by the Resolution. With respect to the precedents which the right hon. Baronet brought forward in order to sustain his general proposition, I think there was hardly one which bore out what it was intended to support; because it does happen, that, in hardly one of those instances, was confidence withdrawn, because the Ministers of the day were unable to carry through the House of Commons the legislative measures which they considered necessary. My right hon. Friend, on the first night of the debate, quoted the cases of Lord Sunderland's Administration, who were defeated on the Peerage Bill, in 1717—of Sir R. Walpole, who abandoned the Excise Bill after he had introduced it—of Mr. Pitt, who was defeated on his Fortification Resolutions—and of Lord Liverpool, who was defeated on the Property Tax—to show that it has not been the practice for a Government to resign because it was unable to carry all its measures, even when those which were rejected by the House of Commons happen to be of a most important character. But then the right hon. Baronet, the Member for Tamworth, referred triumphantly to the case of Lord North. What was that case? It was Lord North's administration of affairs that was condemned by the House of Commons—it was the manner in which he employed the power and resources of the country, in a war against the revolted colonies, as they were called at the time, of North America. The House of Commons came to a Resolution that, after having lost thirteen colonies, and after an immense expenditure of blood and treasure, offensive operations ought no longer to

be continued on the continent of North America. And then the House of Commons passed another Resolution, declaring that any one would be an enemy to his Sovereign and his country, who should advise his Majesty longer to prosecute the war in North America. Was that, then, a question respecting a legislative measure?—was it, for instance, such a question as fixing the duration of the Poor Law Commission for ten or five years? No; it was a question affecting the whole administration of affairs. It was a question respecting the waste of the resources of the country, which resulted in the discomfiture of the King's forces, and the loss of thirteen colonies, now forming the United States of America. I think it must be confessed that the case of Lord North, at least, rests on entirely different ground from that of the existing Administration, and is altogether inapplicable as a precedent. The right hon. Baronet must be aware that there was one case in which a contest was maintained by a Minister against a majority of the House of Commons; and that, although in fourteen different instances, extending over a considerable period of time, the House showed by its votes that it considered that Minister unworthy of its confidence, he still continued at the head of the Government. That Minister was Mr. Pitt. Let us see how that precedent applies. Now, with respect to the general principle involved in the right hon. Baronet's Resolution, namely, that the Minister of the Crown ought to possess the confidence of the House of Commons, I at once assent to it; and I do not think —although the contrary has been alleged—that my right hon. Friend attempted to impugn it. I admit at once, that if the House of Commons, for any reason, continues to refuse its confidence to the Ministers of the Crown, it is impossible for them to continue in office. That is the general principle, in which I concur, with one alternative, however, with respect to which I shall presently address a

few words to the House. The right hon. Baronet said, that the case of Mr. Pitt, in 1784, was peculiar, because Mr. Fox had complained of the manner in which that Minister was brought into office, alleging that he owed his appointment to secret influence, by whose agency the previous Administration had been overthrown. I am willing to admit, that, as far as it goes, that is a perfectly fair statement of the case; but then it does not go far enough. It must be recollected that there was another question in dispute between Mr. Pitt and Mr. Fox; and that was, the question of the India Bill, which Mr. Fox affirmed to be framed in perfect accordance with the principles of the constitution; whilst Mr. Pitt, on the other hand, characterised it as an attempt to create a fourth estate in the realm, and declared that it would be utterly destructive of the constitution. Did it at all depend even on that question whether Mr. Pitt should remain in office or not? Far from it. Mr. Pitt introduced his India Bill, and, when he proposed to go into committee upon it, was defeated by a majority of the House. And yet, although it had been affirmed in debate that the Bill was of the greatest importance—and, indeed, it was the sole measure of Mr. Pitt's Administration—that Minister did not consider its rejection by the House of Commons a sufficient ground for resigning office. Did Mr. Fox reprobate this course of proceeding? Did he say that a Minister, who was unable to carry measures he considered essential, ought no longer to remain in office? Did he maintain the doctrine which the right hon. Baronet has embodied in his Resolution? No: Mr. Fox said:—

'I readily agree with the hon. Member who asserted that the failure of any Bill proposed by a Minister afforded no cause for that Minister's dismissal from office—this is a sound doctrine.'

Thus Mr. Fox, so far from affirming the doctrine laid

down in the right hon. Baronet's Resolution, affirmed directly the contrary. Mr. Pitt remained in office after having lost his Bill; and Mr. Fox concurred with him in opinion, that the loss of the Bill was no real ground for resignation. On that occasion we see Mr. Pitt and Mr. Fox concurring in their reading of the constitution; and now we see a vice-president of the Pitt Club moving a Resolution, which is supported by a right hon. Baronet who professes a great veneration for the principles of Mr. Fox —which involves a doctrine opposed to that which Mr. Pitt and Mr. Fox conjointly maintained. But the hon. and learned Member for Exeter said, I think, that the cases of the defeat of Mr. Pitt on the Fortification Bill, and of Lord Liverpool on the Property Tax, furnished no ground for the resignation of those Ministers, although they did not possess the confidence of the House of Commons sufficiently to carry their measures, because there evidently was not, at the time, a Ministry capable of being formed to succeed them. But the present Resolution says nothing of that kind. It merely declares that the continuance of Ministers in office, under the circumstances stated, is at variance with the spirit of the constitution. The Resolution ought to have contained a saving clause, like that introduced into the Resolution proposed by the noble Member for Liverpool relative to the Sugar Duties, and which was comprised in qualifying words in this sense, 'especially when a sufficient amount of sugar is likely to be imported.' The Resolution before the House ought, in fact, to run thus: 'that the continuance of Ministers in office under such circumstances, especially when there are other hon. Gentlemen perfectly able and perfectly willing to take their places, &c.' Perhaps the right hon. Baronet may find it necessary to amend his Resolution, in order to bring it into agreement with the admission of the hon. and learned Member for Exeter, and with the course of Parlia-

mentary precedent. The observations which I have made have reference to the general tenour of the Resolution as a constitutional precedent, and to the merits of that Resolution, as professing to be founded on the spirit of the constitution; and it certainly appears to me, that after the arguments advanced by my right hon. Friends, and what I have now stated, nothing can be more clear than that, so far from being in accordance with the spirit of the constitution, the present Resolution would form an entirely new precedent, which, as I will proceed to show, it would neither be fit for this House to adopt, nor for any future Ministers, who had at heart the welfare of their country, to follow. Let us consider what has been the course of the constitution of late years; for I suppose that there is no one who will not admit, that, with a change of circumstances, and with a difference in the position of the country, a different course of administration becomes necessary; and that, although the general spirit of the constitution remains the same, yet the mode in which it is to be acted upon must vary from time to time. If the House will consider what has been the course of the constitution for the last century, I think they will see that that which is required from Ministers, at the present time, is very different from that which was required formerly, and that the task imposed upon Ministers formerly was much less difficult than that which they have now to undergo. If the House will refer to what has passed in the course of the present debates, they will perceive that, as I have already observed, the general course of our Administration is not the point in dispute. We are not charged with having crippled the resources of the country, by involving it in unnecessary and expensive wars, or by having exposed it to tumults and insurrections, which we had not the power to quell. No; the charge against us is, that we have submitted certain measures for the approbation of

Parliament, which we have wanted sufficient power to carry in the shape of Bills, through this House. Now if we look back to the greatest statesmen which the country has ever produced—to those whose names are most regarded for the genius and ability which they displayed in the direction of affairs—if we look back to Sir R. Walpole, to Lord Chatham, to Mr. Pitt, and to Mr. Fox—if we refer to the Administrations of these great men, and then cast our eyes on the statute-book, for the purpose of seeing what laws they have placed there, and what were the legislative measures they recommended and carried through Parliament, I fear we shall meet with a meagre return indeed for our labour. It is not that those Ministers did not answer all that was required of them in their time—it is not that they were not fully equal to the conduct of affairs, according to the principles they professed—but that the usages of the constitution did not then require that those at the head of the Government should bring forward legislative measures; and, indeed, for the greater part of the last century, did not even require them to take a uniform and consistent part, either in supporting or opposing measures submitted to Parliament. In latter times, however, and more especially since the passing of the Reform Bill, the country and the constitution have required a different course of conduct on the part of Ministers. What with the necessity for legislation—what with the difficulty which individual Members experience in carrying through Bills—what with the great changes so long delayed, and which, after the passing of the Reform Bill, it was indispensable to make suddenly, and on various subjects—from all these different causes an expectation has arisen, that the Government should bring forward measures on subjects which excite public attention, and do their best to carry them through the House. But, when this is the case, I think it is unreasonable to expect that a Government should

possess the same general and uniform support, on the part of the House of Commons, which was required when Ministries had merely acts of administration to perform. With respect to acts of administration, when a Minister, in possession of all necessary information, states his views to the House of Commons, the House is prepared, either to give him its confidence, in support of his general policy, or to signify, by tokens which cannot be mistaken, that its confidence is withdrawn. But, with respect to measures of legislation, such as the Tithe Bill, the alteration in the criminal law, or the Poor-law Bill, and all measures of a similar kind, each Member of the House is in possession of all necessary information; and, though Members may be disposed to yield a certain degree of deference to a Government, it can hardly be expected that they should place such unlimited confidence in them as to approve of every measure in detail which they introduce into Parliament. Therefore if, on the one hand, new duties have been imposed on Ministers, and you require them to carry through Parliament measures which they deem of essential importance; so, on the other hand, you must make a fair allowance for the effect of discussion, and the expression of the deliberate opinions, first, of Members of this House; and, secondly, of our constituents, which will inevitably occasion the alteration of some measures, and the rejection of others. Am I making an apology for the present Administration only, or stating what does not apply to previous Administrations? As the right hon. Baronet has founded his motion entirely upon the failure of some of our measures, and on the carrying of others by the support of our opponents, I must take the liberty of referring to the only measures I know of during the time the hon. Baronet formed part of the Duke of Wellington's Administration; and as the right hon. Member for Pembroke has alluded to our legislative efforts in what certainly appeared to me to be

a tone of unusual bitterness, I must also take leave to advert to defeats sustained during the time when the right hon. Gentleman and I were both Members of the same Administration, which, whatever else may be said of it, did not want a considerable majority in the House of Commons during the greater part of its career; I allude to the Administration of which Earl Grey was the head, and Lord Althorp the leader in this House. First, with respect to the right hon. Baronet the Member for Tamworth. I brought forward, in 1828, a motion for the repeal of the Test and Corporation Acts. The right hon. Baronet met that motion by a direct negative; but it was carried by a majority of forty. Did the right hon. Baronet say, 'I have been defeated; it is clear that I have lost the confidence of the House, and must no longer continue in office?' Far from it. He said, 'I will contribute, in the best way I can, to carry into effect the motion I formerly opposed.' The right hon. Baronet's discomfiture did not stop there. The next time the question came before the House, the right hon. Baronet proposed that, instead of repealing the Corporation and Test Acts, they should be merely suspended. I thought that those Acts were founded in bigotry and intolerance. I looked upon them as relics of the days of religious persecution; and such being my opinions, I said that they must be totally repealed. Upon that point the right hon. Baronet did not venture to divide the House. He left the House in possession of an hon. Member of the Opposition, as I then was; and, when the vote was carried against his wishes, all that he said was, that he had been at the time absent from the House, taking refreshment upstairs. But that was a strong Administration! It was not the weak, imbecile, and incompetent Administration which has governed the country for the last few years. In the next year, another important measure was brought forward; and what was it?

It so happened that, in 1827, the right hon. Baronet had spoken on the question of the relief proposed to be given to Roman Catholics, and stated that, in his opinion, it was not a measure which could be made a matter of doubt or compromise, because it would be incompatible with the maintenance of the constitution, and the welfare and security of the Church. Could stronger objections be urged against any measure? And yet, in 1829, the right hon. Baronet brought forward that very measure which, at the time, he stated most fairly and candidly to be the measure of his opponents, and not his own! The only reason assigned for passing the measure at that particular time, which had not existed before, was, that large bodies of men were congregated in Ireland, who, by threats and menaces, forced the Administration, of which the Duke of Wellington was the head, to adopt a measure which they had themselves declared to be incompatible with the security of the Church and the maintenance of the constitution. And this was your strong Government! This was the Government which could carry through its measures. Why, that measure was opposed by one half of the usual supporters of the Government. It was opposed in a manner the most violent and acrimonious, and was carried only in consequence of the constant attendance and active support given to the Government by the Opposition of that day. And yet the noble Lord, who has just sat down, analysed the divisions of this House, and told us that our continuance in office was incompatible with the spirit of the constitution, because, upon questions of far less importance than that of 1829, we have received the support of our political opponents. The Duke of Wellington's Administration was succeeded by that of Earl Grey. One of the first things that occurred in Lord Grey's Administration was a defeat, by a majority of forty-six, upon a proposition relative to the timber duties.

Besides this defeat, many parts of their budget, being opposed, were withdrawn. In the next Parliament the Administration had an overwhelming majority in the House of Commons. I think that the party who now bring forward and support the present Resolution, at that time mustered not more than from 120 to 140; and yet, in that House of Commons, the Ministers were subjected to more than one defeat, and I may particularly refer to that upon the malt duty. After being defeated upon that question, Ministers came down to the House, and asked it to rescind the Resolution which it had come to; and the right hon. Baronet most fairly and handsomely came down, and gave his support to the Government upon that occasion. He supported, with the greatest ability, the motion for rescinding the Resolution for the repeal of the malt duty. Was the right hon. Member for Pembroke shocked at that? Was the noble Lord? Did they then say that such an act of generosity, on the part of the Opposition, was never before heard of? I do not remember anything of that kind to have occurred. The noble Lord, the Member for North Lancashire, and myself, were parties to another proceeding, upon which we were opposed by a great many of our usual supporters, and supported by our opponents. I allude to the Church Temporalities Bill. In bringing forward that measure, the noble Lord stated, I think on just grounds, that the funds to be derived from the improvement of church leases would be the property, not of the Church, but of the State. It was found that that Bill, which had met with considerable opposition in the House of Commons, was not likely to pass through the other House of Parliament, if it contained the important provision to which I have just alluded, and therefore the noble Lord abandoned the clause in order to carry the Bill; thus making an important concession to his opponents. Now, I maintain that there was no loss of

dignity, there was no sacrifice of honour, in that proceeding. Because, with our mixed constitution, especially with a Reformed House of Commons, and a House of Lords constituted as it is at the present moment, we must be prepared to make such concessions and compromises as these, if any measures are to be carried, which conduce to the benefit of the public at large. My opinion is, at least, that any Government which is not prepared sometimes to listen to the objections of their opponents, will deservedly lose the means of carrying some of their measures, and, with the power of carrying them, they would lose the confidence of the country. That principle was fully acted on when the right hon. Baronet opposite expressed his objection to another part of the same Bill. For when he, though at the head of only a small minority, urged the Government to alter those provisions of the Bill which affected the interests of existing incumbents, they felt so strongly the force of his arguments, that Lord Althorp requested time to consider them, and afterwards announced that he was prepared to abandon that portion of the measure. I think I have shown that those compromises and concessions, to which so much importance has been attached during this debate, are not matters of such entire novelty as hon. Members opposite would have the House believe; and I must add, that, if you impose upon Government the necessity of introducing legislative measures, it is only by such means they can succeed in carrying them through Parliament. I remarked before, that, if we referred to the statute-book for a record of the legislative labours of eminent statesmen of former times, we should find but little done in the way of abrogation of bad laws, and still less in the way of the introduction of good laws. But when we come to recent years, and look at what the successive Administrations of

Lord Grey and Lord Melbourne have effected, it is impossible not to be struck with the great changes which have taken place—some entirely of a legislative, and others of a mixed legislative and administrative character. The right hon. Baronet, in addressing the House the other night, told us that he had been for ten years practically out of the administration of affairs, and that he must therefore take a review of our financial condition during that period. I confess that seemed to me to be a somewhat curious statement on the part of the right hon. Baronet, as if he had not been watching and attending to the progress of affairs whilst he has been out of office. But meeting the right hon. Baronet on his own ground, adopting his own position, and taking a review, not of the financial, but of the legislative measures of the Government, let the right hon. Gentleman observe what changes have taken place during his ten years' absence from office. When the right hon. Baronet quitted office, he left the power of returning Members to this House, in some 150 or 200 instances, entirely in the hands of individuals, who either returned themselves to Parliament, or bargained for the patronage and favour of Government, in consideration of returning their friends; or actually sold to some one, for a yearly pension, the power of sitting in the House. He left the great towns of this country—Manchester, Leeds, Birmingham, and Sheffield, and most of the other great marts of manufactures, and some of commerce—totally unrepresented in the House of Commons. If the right hon. Baronet were now to return to office, he would find no such power vested in individuals as they formerly, by usurpation, had contrived to obtain. He would find that the great manufacturing and commercial towns of this country have representatives; and that some hundred thousand persons, who formerly did not possess the elective franchise, now form part of the base

on which this House rests. When the right hon. Baronet quitted office, he left some 800,000 human beings, under the British dominion, who were considered as mere goods and chattels—who were treated with all the inhumanity to which brute beasts are sometimes exposed, and who were disposed of as mere property, and were liable to all the afflictions which attend upon compulsory labour. He would now find them converted into a population of freemen, in the enjoyment of property, and as well off, perhaps, as any labourer on the face of the earth. The right hon. Baronet, on quitting office, left such abuses existing in the administration of the Poor-laws as threatened, in the first place, to swallow up the greater part of the landed property of the country; and, in the next place, were rapidly debasing the character of the labouring class of this country—one of the finest bodies of men that ever existed. He would find, too, on returning to office, that a law has been passed which has had the effect, not only of saving landed property from confiscation, but of elevating the character of the labourers. The right hon. Baronet left municipal corporations, in many instances, self-elected, going on from generation to generation without being subject to any popular control, in consequence of which their funds were frequently disposed of fraudulently, but at all events secretly, and without the superintendence necessary to secure correctness and honesty in local administrations. He will find that popular control has been introduced into those bodies, in order to secure the proper administration of the funds, and the good government of the towns in which they are established. The right hon. Baronet left tithes a source of constant irritation between clergymen and their parishioners—converting what ought to have been the relations of charity and benevolence into feelings of dissension and ill-will. He will find that that source of contention

and strife has been dried up, and that, by removing it, that Church, to which the noble Lord who has just spoken says we have done so much injury, has been avowedly more strengthened than by any measure which the strongest Administration ever passed. Do not tell me that part of that plan is due to the right hon. Baronet. The attempt to settle the question was first made by Lord Althorp; and if we had had the misfortune to do what Lord Althorp did, namely, introduce Bills on the subject of the tithes, in many successive years, without carrying them, we should, no doubt, have had it referred to as part of our sins. But to return:—That which I consider the essential part of the Tithe Act, is the making commutation compulsory. That principle was introduced by the present Government; and in the course of a few years it will effectually remove all the old evils connected with tithes. In Ireland, the right hon. Baronet left the poor and infirm without legal provision for their relief. He will find that legal provision now established; and the foundation is thus laid of a great social and moral improvement in the condition of Ireland. The right hon. Baronet left a source of constant disputes between the Clergy and Dissenters, in consequence of the compulsory enforcement of the marriage ceremony according to the rites of the Church, and the necessity of receiving baptism according to the same rites, in order to secure a registration of births. He will find that an Act has been passed which has removed those grievances—those sources of angry feeling and dissatisfaction, by means which are at once simple and efficacious, and have given rise to complaint from no party. The right hon. Baronet left the corporations of Ireland the seats of exclusiveness and intolerance, to the injury of the great body of the people. He will find that, now, the right principle has been introduced, though it has not been acted upon, as I think it should be, in

details, of making corporations in the great towns of Ireland subject to popular control. There is another subject, with respect to which I must solicit the attention of the House for a short time. The subject is one which has not excited much party discussion, but upon which a great change has taken place, in affecting which the present Administration has borne its part. I allude to the amendment of the Criminal-law—and I speak not of mere formal amendments, but of such as affect the number of persons sentenced to death, and executed. I find, from a return which I asked for the other day, that, from 1821 to 1825 inclusive, 5,220 persons were sentenced to death, and 364 executed, being an average of seventy-five yearly. From 1826 to 1830, 6,679 were sentenced to death, and 308 were executed, being an average of sixty-one yearly. From 1831 to 1835, 5,059 were sentenced to death, and 210 executed, being an average of forty-two yearly. From 1836 to 1840, in the second year of which period those amendments of the criminal law were adopted which I had the honour of introducing, the number sentenced to death was only 1,181, and the number executed only fifty-one, being an average of ten yearly. It appears, therefore, that in the first ten years, 683 persons suffered death; whereas, in the last ten, only 261 have been executed; and in the last five years, capital punishment has been inflicted in only fifty-one cases. This is a change which I look back to with satisfaction. Now, I beg the House to sum up the measures to which I have referred—the Reform Act, the Act for the Abolition of Slavery, the Poor-law Amendment Act, the Municipal Corporation Reform Act, the English Tithe Act, the Irish Poor-law Act, the Act for the Registration of Births and Deaths, the Irish Corporation Act, the Act for the Amendment of the Criminal Law, and, I may add, the Canada Union Act—and I ask whether, in any similar space of ten

years, any Administration which has existed in this country ever introduced greater and more important measures, or I should rather say, effected greater and more important improvements? And yet it is upon our asserted failure in legislation—putting aside every consideration connected with our internal and external administration of affairs—putting aside everything done by the Executive, both at home, in the colonies, and abroad—the right hon. Baronet and his supporters found their charge against us. In return, I show you a part of what we have done, omitting to notice minor measures, which are not, however, unimportant, but with respect to which I abstain from troubling the House. I have shown the important legislative changes which have been introduced and carried by that Administration which has been so charged—I will say, so calumniated. Let it be recollected, that all these changes, beginning with the Reform Act, have been effected without any of the direful evils of a revolution—that we have not seen, in this country, what has accompanied great changes, in former days, in this country, and almost in the present day in other countries—a civil war, and parties running to arms to contend against each other. On the contrary, although hon. Gentlemen opposite bring these charges against our management of the finances, the security of the public funds has gone on constantly increasing since the accession of Earl Grey to office. But I will not go so far back as that. I will take the year 1835, since it has been particularly dwelt upon by hon. Members opposite—the period at which the existing Administration was formed—and I ask, whether there has been any thing like serious disturbance in this country whilst the great changes which the Government has effected were in progress? Have not these changes been accomplished in the midst of peace? I have been, perhaps, too sensitive with regard

to what are called organic changes. I feared that, after the great example of the Reform Act, an appetite might be created for other changes of the same kind, which might eventually endanger the most valuable and sacred institutions of the country. I am happy to say, however, that during the great changes and improvements which we have made—and I see near me my hon. and learned Friend the Attorney-general, who has been a party to many improvements which I have not mentioned—the country has continued in the enjoyment of peace, and property has not been disturbed; but, on the contrary, the pursuits of industry have been followed in fully as much security as when a Tory Administration thought it their great glory to leave things alone, to allow laws to remain on the statute book which were the offspring of the most barbarous times, and to leave, in the executive Administration, relics of the worst corruption. I have stated the general changes which the Government has made; and I certainly do not think it necessary, at this late period of the debate, to detain the House by going through all the measures which it is alleged the Government have been obliged to yield to their opponents; and therefore I will confine my observations to three or four of those cases only. With regard to the Appropriation Clause, we felt it our duty to introduce it into a Bill brought into this House, which we believed was likely to pass. It is undoubtedly true, that Parliament ultimately passed the measure without that clause embodying the principle which we considered necessary to the final and satisfactory settlement of the question. I maintain, however, that that does not furnish any proof that we did not possess the confidence of the House of Commons with respect to that measure; for the Appropriation Clause was supported by a majority of this House. We carried

the Bill through the House of Commons, and sent it, containing the clause, up to the other House. But, though it was carried to the bar of the House of Lords, the tide of public opinion was not sufficiently strong to bear it safely into the harbour of legislation. The House of Lords, it is well known, struck out the clause; and therefore, I say, that the abandonment of the Appropriation Clause is no proof of our not possessing the confidence of the House of Commons, although it may be considered evidence of our wanting that of the House of Lords. It was my opinion at that time, that, looking to the great changes which had recently taken place, and to the nicely balanced state of parties, it was most advisable for the practical working of the constitution, to wait, in order that all parties might have an opportunity of observing whether public opinion was in favour of the further measures of reform which were then mooted, or whether it would become what is called more Conservative. If the voice of the country had been pronounced in favour of further reforms and liberal measures, I expected that the House of Lords would, as they had before done, have yielded to the declared sense of the people. If, on the contrary, it should appear that the voice of the country was in favour of policy of a more Conservative character, we felt that it would be equally our duty not to press upon the attention of the other House of Parliament liberal measures with which we might even feel ourselves identified as an Administration. It did appear to us that the opinion of the country did not warmly support us in maintaining the Appropriation Clause, as we expected it would have done. But, since the right hon. Baronet has alluded tauntingly to the resolution in which we declared that no adjustment of the Tithe question could be final or satisfactory, which did not involve the principle of appropriation, I must say that, although I feel myself

bound to support the settlement which has been effected, I would advise hon. Members opposite not to be absolutely certain that there may not arise in Ireland some serious discontent as to the manner in which that question has been disposed of. This has been drawn from me by the allusions which have been made to the subject, and not with any intention of departing from the settlement which has been made. On the contrary, I shall, under all circumstances, give my support to the existing law, which has established a rent-charge in lieu of tithes. All I mean to say is, that when it is alleged that this settlement is perfectly satisfactory, I cannot help thinking that some doubt may be entertained upon that point. The next subject to which the right hon. Baronet alluded, was the Bill respecting Jamaica. I cannot help saying, that the manner in which the right hon. Baronet treated this topic, was not altogether marked by that candour which I expected from him. When the Jamaica Bill was brought forward, the right hon. Baronet said, 'I do not think the measure is justified by the circumstances of the case; but if circumstances should arise to render it necessary, I will support it, or some Bill like it.' The right hon. Baronet also said, he could not look upon the Bill as a party measure, and he suggested that it should be postponed for a year, and another Bill, wanting its stringent enactments, passed in the meantime. Now, after that, I confess I was surprised to hear the right hon. Baronet refer to what occurred respecting the Jamaica Bill, as a proof that we did not possess the confidence of the House of Commons. [Sir *R. Peel*: You refused to adopt my views on the subject.] It is true that we did look upon it in a different light from that in which the right hon. Baronet viewed it. That is perfectly true. But it is equally true that the right hon. Baronet is not justified in treating the measure, at one moment, as a subject which does not form a party

question, and with respect to which we might fairly adopt his suggestions; and, at another, treating it as a party question, and referring to our adopting his suggestions as a proof that we did not possess the confidence of the House of Commons. The Government resigned office at the decision which the House of Commons came to with respect to the Jamaica Bill; but what was the opinion of the Duke of Wellington in reference to that proceeding? The noble Duke, who is not likely to be too favourably disposed towards us, or anxious for our continuance in office, declared that we had acted prematurely in resigning. That opinion the noble Duke expressed both in public and private. Having resigned our offices, however, the right hon. Baronet was called upon to form an Administration; but his attempt to do so failed, owing to circumstances to which I will not now refer. ['*Cheers.*'] I assure hon. Gentlemen opposite, that I, personally, have no unwillingness to allude to those circumstances. But there are higher considerations which restrain me. The right hon. Baronet, it will be recollected, after the failure of his attempt to form an Administration, stated in this House various reasons — independently of the circumstance to which I have just adverted—which induced him to think that he would have found it very difficult to carry on the Government. He said, that in the very division on the Jamaica Bill in which, be it recollected, we obtained a majority of five, ten Members had voted, who were not usually found amongst his supporters. He commented, also, on the difficulties which he would have had to encounter in the Government of Ireland, and the inadequate support he would have received from the representatives of that country; and he particularly referred to the defeat which he anticipated in the coming election of Speaker. The right hon. Baronet's anticipations upon that subject proved to be correct. When the chair of this House

became vacant, a Gentleman on the other side of the House was proposed to fill it, to whom no objection could possibly be taken on the score of character, or fitness for that elevated station. We, on this side of the House, as little doubted that right hon. Gentleman's fitness for the office of Speaker, as hon. Gentlemen opposite, I am sure, would think of questioning yours, Sir. The question was one in which the two great parties took an interest, because each wished to establish, in the person of the Speaker, the representative of its opinions. The result of the struggle was a majority of eighteen, in favour of the candidate proposed by us. Was not that, I ask, decisive evidence as to which side of the House commanded the majority? Was it not a proof that we, at that time, possessed the confidence of the House? The right hon. Baronet, the Member for Pembroke, has referred to our abandonment of the Bill for amending the Poor-law Amendment Act, as another proof of our not possessing the confidence of the House. I think that the proper time for the right hon. Baronet to have criticised the Bill, in the way in which he did, was when it was before the House. If the right hon. Baronet had, at that time, stated his objections to any parts of the measure, I would have been prepared to have given him an answer. But, instead of pursuing that obvious course, the right hon. Baronet waited until the Bill was removed from the Table of the House, and then took an opportunity of entering into a discussion on its merits, in the midst of an angry debate between two great parties. The right hon. Baronet accused the Government of not embodying in the Bill some of the mitigating recommendations of a committee of this House, which sat to inquire into the subject of the Poor-law. Now, it so happens, that I had prepared clauses embodying several of the recommendations of that committee, and I only withdrew them, after mature con-

sideration, because it was made apparent, that, by adopting them, we should run a very great risk of bringing back some of the worst evils of the old law. For instance, it is quite right that an allowance in money should be given to a sick member of a working man's family; but if this was done by Act of Parliament, there is no knowing what construction might have been put upon it, or how far it would have led to the revival of the old abuses. After full consideration, therefore, we determined, and I think wisely, that it would be best for the country—that it would be best for the poor themselves—to leave all matters of this kind to the discretion of the Poor-law commissioners, instead of introducing positive enactments respecting them into an Act of Parliament. I now come to the last instance which the right hon. Member for Tamworth referred to, in support of his proposition, that we do not possess the confidence of the House of Commons; and that is, the rejection of the Budget brought forward by my right hon. Friend, the Chancellor of the Exchequer. The question involved in the Budget is, whether by a change in the differential duties—whether by removing abolition and diminishing restrictions—we cannot increase the revenue, supply the existing deficiency, and thus avoid the necessity of imposing fresh taxes. The right hon. Baronet said, that, if he were in office, he would take a calm review of all the circumstances connected with the state of our finances, before he determined on what he ought to do. Yet, whatever may be the right hon. Baronet's ability, I defy him to find any but four modes by which the revenue can be brought upon a par with the expenditure. The first is, by diminishing our naval and military establishments; but even the most sanguine could not expect to derive more than a million from this source; and I maintain that, in the present state of Europe, it would not be prudent—it would not be safe—to make any consider-

able reduction in these services. In the second place, a Government might go on from year to year, raising money by means of loans; but that would eventually only augment the deficiency, whilst, at the same time, it could not fail to operate injuriously to public credit. The third mode is, the imposition of fresh taxes. The remaining resource is to alter the protective duties. Now, I confess it does appear to me, that, as regards a question involving considerations of such magnitude as these we ought not, upon the first defeat, to have resigned office, and transferred power into the hands of our opponents. I will not deny that many reasons might be urged in favour of such a course; but, looking to the great interest of the people as affected by the measures which we have propounded to Parliament, it seemed to us that the reasons which existed for not tendering our resignation to our Sovereign were the stronger. If we had done so—if we had taken that course—would it not have been thought that we had brought forward these measures without the intention of standing by them, and that we had abandoned them on the first show of opposition? I say that, if we had acted in that manner, we should have seriously injured measures which we think beneficial to the public interest, and shaken and invalidated the great principles we desire to see carried into effect. As long as it is possible for us to persevere in propounding these measures, taking upon ourselves the responsibility of doing so as long as we see a prospect of carrying them, and thus rendering an essential benefit to the country—I think that we are bound to continue at our post. The right hon. Member for Pembroke quoted the opinion of a great man, but without that authority which attaches to a real admirer of his principles, and follower of his conduct. I will also quote his words. On an occasion when the Whig party was in a state of discomfiture, and almost of despondency, Mr.

Fox said, that if he could entertain any hope of advancing the great cause of civil and religious freedom, which he had ever espoused, he would not slacken in his exertions; and he quoted from Virgil, as expressive of his feelings, the lines—

> Non adeò has exosa manus victoria fugit,
> Ut tanta quicquam pro spe tentare recusem.

Espousing the principles of Mr. Fox, like him we will not desert the cause in which we have embarked; but will, on the contrary, do all in our power to contribute to the success of the measures which we have brought under the consideration of the House, and the importance of which, I think, it is impossible to exaggerate. Having, then, determined, that it was our duty not to resign our offices upon the first defeat with respect to those measures, but one course remains open to us to pursue. The noble Lord who spoke last charges us with having referred to a dissolution by way of a threat. Why, at an early period of this debate, we were accused of not speaking out on that very subject. The noble Lord quoted a rebuke which Lord Lansdowne had administered to Mr. Canning when he uttered a threat of dissolving, but did we utter any threat on the subject? I say, we have neither uttered threat or menace. There have, to be sure, been threats and menaces uttered, but they have proceeded from the right hon. Member for Pembroke, and the noble Lord, the Member for North Lancashire. They have threatened my noble and hon. Friends, the Members for Lincolnshire, with the consequence of the votes which they are about to give upon this question. I trust that those threats will have no influence on the conduct of my noble and hon. Friends. I think my noble Friend, the Member for Lincolnshire, stands on far better grounds with respect to his constituents, than anyone who would come forward and seek to supplant him by attaching himself to the

right hon. Baronet, the Member for Pembroke. What is it my noble Friend has said, both in the county of Lincoln and in this House? He said, 'I oppose any alteration of the Corn-laws. It may be brought forward by the Ministers whom I support. My vote may cause a dissolution of the Ministry. I care not for that consequence. I give my vote on this question against them, because I feel that my vote on this subject is an adherence to the present law, which I prefer to any other.' I believe the constituency of Lincolnshire may depend upon men who hold an attachment to the present principle of the Corn-law, without reference to any party tie. But on what ground are the hon. Gentlemen to stand, who are proposed to succeed my noble and hon. Friends? On the ground, not only that they are hostile to the present Government, but that they are ready to support the administration of the right hon. Baronet, the Member for Tamworth. And support him for what? Not on the great questions upon which the right hon. Baronet differs from us. But are they to support him by adhering to the present Corn-laws? By no means. But they are to support him on that wonderful and immutable principle of the sliding scale, which, as my hon. Friend, the Member for Lincolnshire, has truly said, may be no protection at all, or may be an entire prohibition. The hon. Member for Lambeth gathers from the right hon. Gentleman's speech, that he means to stand upon the principle of the present law. I confess I did not so understand him, because I cannot believe, that he would say so clearly, both last year and the present year, that he is not satisfied with the details of the present law, and, at the same time, mean to make only some trifling alteration in the sliding scale. I cannot think, that a great question of this kind could be brought forward by him for the sake of some very slight and trifling alteration. I believe, if he had the power, he

would make a very great alteration. The hon. Member for Lambeth and I have read the oracle, and we read it differently. It is, to be sure, a very obscure and mysterious oracle, but I gather, from a statesman of the right hon. Baronet's prudence and long experience intimating that he was not satisfied with the present law, and would not adhere to its details, that he intends some day or other, if he has the power, to make a considerable alteration—always reserving, however, the sliding scale. How far that scale may slide may depend upon existing circumstances. But what would the Lincolnshire farmers have to look to? My noble and hon. Friends may say—'This is an insufficient protection, we think our constituents ought not to accept it. We would not vote for it when it was proposed by our own friends, and we will not vote for it now that it is proposed by our opponents.' But if two Members were returned upon the grounds of their attachment to the right hon. Baronet, they would say to such a proposition—'Never mind the Corn-laws, never mind establishing protection to agriculture, let the scale slide down as far as it may, it being proposed by the right hon. Gentleman who has our confidence, and the great object being to support him, we are sure it will answer its purpose, and secure the welfare of the agricultural interests.' The great question that her Majesty's Ministers had to consider on this occasion—I will not deny it—was, between resignation and advising an appeal to the country. On a subject of so much importance to the people—considering that we have undertaken this question—I feel that it is our bounden duty to offer such advice to her Majesty as we may think will ensure the decision of it by the electors of the realm, duly consulted upon the question. I may be told, that this resolution is intended as a bar to the exercise of the prerogative of the Crown. I cannot see it, although, in terms, it may appear to be so.

I do not mean to say, that a dissolution is a prerogative which this House has no right to interfere with. I think a dissolution, like other prerogatives of the Crown, is one in which the House has a right, in certain cases, to interfere. But I think the only ground upon which it can properly interfere is, when this House can say, that the course of legislation and administration is proceeding harmoniously, and that it is likely, both with respect to administration, and with respect to legislation, that if this House is not dissolved, many beneficial consequences to the country will ensue, and that a dissolution would be a needless and wanton interference with the course of business. Such was the ground taken by Mr. Fox in 1784, when an address to the Crown was moved against the dissolution of the Parliament of that day. He said, that the House was fully able to undertake, and would undertake, to settle the great question relating to India. Such was the ground that we took, when, in 1835, we moved and carried a vote of censure against the right hon. Gentleman (Sir Robert Peel), for the advice he gave to the Crown for the dissolution of that Parliament. But is that the course taken in the present case? I have listened to this debate, but I have neither heard from the right hon. Baronet, nor from anyone who followed him, the assertion, that if no dissolution of the present Parliament took place, it was likely to continue for the whole six years during which Parliaments are allowed to last, with benefit to the country, or with improvement to its legislation. With regard to legislation, hon. Gentlemen opposite themselves have made out, that various decisions have been given by the House, some for, and some against Government. Then, with respect to the Budget; it is a question of such importance, that it could hardly be brought to a final issue without appeal, at one time or other, to the sense of the people. But with regard to the

Administration, will not the division of this night tell us —whichever side may have the trifling majority, which is the utmost any one expects—will it not, I say, show, that there is that degree of party feeling in this House, that it is not likely, even if we had surrendered the reins of office to the right hon. Baronet, that he would have found himself able to continue the administration of the country with the present House of Commons? Had the right hon. Baronet felt otherwise—had he been of opinion otherwise, would he not have stated it? If the right hon. Baronet could have alleged, that, if he were in power, he could carry on the Government without a dissolution, would he not have alleged it? But has he done so? No. No doubt the right hon. Baronet thinks, as I think, and as almost everybody out of doors thinks, that the symptoms of division in this House, are such that the present House of Parliament cannot be of long duration, without some appeal being made to the people, in order to decide which are the principles, and which are the men, in whom they place confidence. If such, then, is the case—if we cannot attain the useful result of averting a dissolution, and of continuing the present Parliament by our resignation of office, what effect would that resignation have in the eyes of the country, but the apparent abandonment of those principles we have supported—an imputation, which, by the way, Lord Melbourne has declared, would be the last he would like to bear, and, perhaps, also, an impediment for some years to come, to the passing of those measures of legislation which, we think, are calculated to secure the welfare of the country. Then, Sir, is not what I have said sufficient justification for the course that we are now pursuing? Is it not a sufficient justification for our not taking that course which the right hon. Baronet says was incumbent upon us, which, no doubt, in his view, he considers incumbent upon us; but which, I think, would

not have done justice, either to our principles, or to the immediate measures which we have propounded. I now leave this question to the judgment of the House. With regard to the resolution proposed by the right hon. Baronet, as a resolution affecting the constitution—putting aside the merits or demerits of the present Administration, I think it is not rightly founded in precedent, and, above all, ill suited to the present condition and state of our constitution. As regards the Administration, I think, if it means that the present Ministers are not entitled to advise the Crown to dissolve the Parliament, it is an unjustifiable interference with the royal prerogative. If it is not so intended, then you have our confession, that we should not think it right, after the decision of the House upon the Sugar question, to continue for any longer time to hold office with this Parliament, than is absolutely necessary, in order to pass those measures which are essential for the financial service of the present time, and for the purpose of assembling, as soon as public convenience would admit, a new Parliament, to decide upon the whole question at issue. The right hon. Baronet, the Member for Pembroke, approves of the precedent of 1831; and yet he would condemn us for following that precedent; and that entirely upon the ground, that it did so happen that the sugar duties then expired in March, and therefore there was no obstacle to a dissolution; whereas they do not now expire till July, and therefore require to be continued. The noble Lord, the Member for North Lancashire, stated at that time his opinion upon the subject. He said:—

'If, however, a set of Ministers, who brought forward a measure to which they were solemnly pledged, for the good of the country, found that that measure was defeated, it certainly might not be improper, in such a case, that

a reference should be made by them to the opinion of the public.'

Such was the opinion of the noble Lord in March, 1831; and I know not why that opinion should be departed from in 1841. What makes the difference between the two periods? The noble Lord assents to that opinion; why, therefore, press this resolution upon the House? If we admit, that we ought not to continue in office with the present Parliament, where is the necessity, and where is the justification of the resolution? Upon the whole state of the case, and upon the whole case of the Administration, I beg the House to consider, that this is a resolution supported and made out by reference to various legislative measures,—the Ministry having brought forward more legislative measures, and having carried more legislative measures of useful reform than perhaps any other Ministry, with the exception of Lord Grey's Administration, from 1831 to 1835. With respect to the state of affairs, and with respect to the administration of the Executive, I beg the House to consider, that during the whole of this debate, no delinquency has been proved, no weakness has been shown—no want of vigour demonstrated either at home or abroad. The right hon. Gentleman opposite, on one occasion, accused us of wishing to abandon the vessel of the state, when we found that we were no longer able to guide it. Now, I must say, that with regard to the present state of affairs—apart from the evil of the equal division of parties—I see nothing which should induce any Minister to desire to quit office, or any Gentleman to be unwilling to accept office. On the contrary I think the state of affairs, at home and abroad, is such as to give great facilities to any Administration who may have to conduct the affairs of the country; and, if left by those who now hold the reins of Government, their successors would find the character of the country standing as high as

it ever did among the nations of the world, with peace and security at home. Your only difficulty is from your unwillingness to deal with interests which are opposed to measures useful for the future welfare of the country. If you can deal with those interests with just caution, giving them every consideration which is due to their long establishment, and taking upon yourselves the responsibility of reforming your present laws, and yet proceeding upon sound principles, and being determined to go on with the application of those sound principles—then I say, that if you, the Parliament and the Government, do that, there is no difficulty whatever in the Administration of the country. But if you will not do that—if you will undertake to protect vicious legislation—to consider the interests of separate bodies rather than the well-being of the whole—then, indeed, you may enter upon a protracted struggle, but it will be a protracted struggle against measures which are founded upon sound policy, and which are certain of ultimate triumph.

RESIGNATION OF MINISTERS.

Monday, August 30, 1841.

Lord John Russell said: I have now, Sir, to state to the House that, after the division of Friday night, her Majesty's Ministers thought it their duty at once to advise the answer which has just been communicated to the House, and humbly to tender their resignations to her Majesty, in order to enable her Majesty to form a new Administration. Her Majesty was graciously pleased to accept our resignations, and we therefore now only hold office until other Ministers shall be appointed to the offices which we respectively filled. Perhaps the House will allow me on this occasion, and before I make the motion with which I

intend to conclude, to state the impressions—in doing which I shall as much as possible avoid matter of controversy and debate—to state the impressions I entertain with respect to late events. It was our duty, as we believed, to propose the measures which were proposed in the late Parliament in reference to the trade and commerce of the country, and which we thought essential to its interests. Upon being defeated with regard to one of these measures, we advised her Majesty, as soon as the business of the Session would permit it, to resort to a dissolution of Parliament. That dissolution having taken place, and the new Parliament being assembled, on the earliest possible opportunity we advised her Majesty to submit to them the consideration of measures of the same nature, and to ask for the opinion of Parliament in reference to these matters. It has pleased the House of Commons, by a large majority, to address her Majesty, stating that her Ministers did not enjoy the confidence of Parliament and the country. This decision left us no other part to perform than that of resigning our offices. I will not use any arguments to show why we think we were justified in prolonging the struggle until the present hour; but I say, that it was our conviction, that our duty to the Sovereign whose confidence we enjoyed, that our persuasion of the necessity of the measures which we advised, and our belief that the people should be consulted on questions involving their dearest interests, rendered it incumbent on us to continue the struggle to the present moment. I have, on former occasions, justified the course which we pursued on particular occasions, and in future debates I shall be ready to justify them again; but I am now only stating the conviction which we entertain. Sir, it has been our fate now to hold power for a considerable number of years. I will not say that as long as we could use power, as we believed for the benefit of the country, it was with reluctance we

continued in office; but this I will say, that I do not think the possession of power in this country can be accompanied by satisfaction, unless there are means of carrying into effect the measures which Ministers feel essential to the welfare of the country. I do not allude now to particular measures of less or minor importance, but to measures of great and transcendent moment. With regard to such measures, we began, in the commencement of Lord Grey's Administration, with the Reform Act—we ended by proposing measures for the freedom of commerce. With large and important measures we commenced—with large and important measures we conclude. In pursuance of great objects we triumphed—in pursuance of great objects we have fallen. Another remark I may make, which relates both to Lord Grey and Lord Melbourne, as severally first Ministers of the Crown. Lord Grey, at the time of the Reform Act, and in the first year of that measure, enjoyed, together with his colleagues, great and almost unexampled popularity. Lord Melbourne, as being the first Minister of William IV., became, at the accession of the present Queen, the adviser of a Princess, who came to the throne at the earliest period at which by law it was allowable to exercise the power of Sovereignty; it was his duty to offer that advice and give that information which a Queen without experience could not be supposed to have, and which was received with the confidence and reliance that became the frank and generous nature of the Royal Person now on the throne. Now, I will venture to say, that neither of these powers—neither the great powers of popularity which was enjoyed by the Ministry of Earl Grey, nor the power and favour of the Sovereign enjoyed by Lord Melbourne and his colleagues—was ever abused by either of them. On the contrary, while fault has been found with both of them for not having proposed measures which, it was said at the time, would be more to the advantage of

their party, and the security of their power, no one can deny that both have shown great forbearance, and a great desire to preserve, untouched and unimpaired, the constitution of the country, and the prerogatives of the Crown. Having said this much with regard to the Ministers under whom I had the honour to serve with pride and gratification, I may, perhaps, be allowed to add a few words with regard to the person who now addresses you. I will not pretend to say that there will not be other persons holding different opinions, who will not bring to the administration of public affairs a larger capacity and more competent intelligence; all I venture to say is, that while placed in the situation which I had the honour to hold, no considerations of a private nature, no wish for personal advantage, diverted my attention from my public duties, and I have endeavoured to give every moment I could devote to their discharge. With respect to the merits of the measures which I have proposed, or of the measures which I carried into effect, I will not now enter into any dispute; all I wish to observe is, that I have endeavoured, to the best of my power and ability, to exercise such judgment as I possess for the promotion of the best interests of the country and of the Sovereign whom I serve, and whom I had the honour to advise. Sir, this House having decided, at the very commencement of the Session, that it will take measures for controlling the prerogative and directing the executive authority of the Crown, I can only say, that although that decision may fall with undeserved severity, as we think, upon us, I am sure that in all the future consultations of the House I shall be ever ready to give that advice to the House which I think will tend to secure to it the affections of the people of the United Kingdom, and conduce to the welfare and prosperity of the great empire of which this House is the centre and support. I can assure the House that in whatever circumstances I am

placed I shall express to it my conscientious convictions of the measures proposed, whether they be the acts of the Minister of the day, or of those who are opposed to them. I shall be always ready to give such an opinion as I think may tend to the permanent improvement of our institutions, never—as I observed on another occasion—never defending abuses as if they were institutions, and on the other hand never being ready to sacrifice institutions as if they were abuses. I have only further to say, with regard to the Members of this House with whom I have conducted public affairs for many years, that while I am grateful to those who have been my supporters, I wish personally to express a hope, with regard to our opponents, that in all our future relations there may be no feeling of personal bitterness between us; and if our resignation tends to the future welfare and prosperity of the country, I shall always look with satisfaction to the day on which that event occurred. I now, Sir, move that the House at its rising do adjourn to Monday next.

INTRODUCTION TO THE DESPATCHES.

INTRODUCTION II.

OF THE ADMINISTRATION OF FOREIGN AFFAIRS UNDER THE MINISTRY OF LORD PALMERSTON, 1859–1865.

Mr. Disraeli in his speech at the last General Election said, in addressing his constituents, that I had offended all the Powers with whom I had negotiated. There was some truth in this remark, though not in the contrast which he drew between my conduct and that of Lord Stanley. In my time very difficult questions arose, in the time of Lord Stanley scarcely any. During the period I held the Seals of the Foreign Office, I had to discuss the questions of the independence of Italy, of the Treaty regarding Poland made by Lord Castlereagh, the Treaty regarding Denmark made by Lord Malmesbury, the injuries done to England by the Republic of Mexico, and, not to mention minor questions, the whole of the transactions arising out of the Civil War in America, embittered as they were by the desire of a party in the United States to lay upon England the whole blame of the insurrection—the 'irrepressible conflict'—of their own fellow-citizens.

Let me add that I do not believe that any English Foreign Minister, who does his duty faithfully by his own country, can in difficult circumstances escape the blame of foreign statesmen. When Mr. Canning protested against the invasion of Spain by France, was he applauded by the Great Powers? On the contrary, he found it

difficult to keep up official correspondence with Austria, Prussia, and Russia. When Lord Palmerston wrote and spoke in behalf of the independence of Spain and of Italy, does anyone imagine that his language was pleasing at the Courts of the despotic sovereigns of Europe? Neither when two parties are engaged in a violent contest against each other, and are both partly in the wrong, can anyone who is impartial expect to please the litigants. Had I taken the part of Germany against Denmark, my conduct would have been highly approved by Austria, Prussia, and the German Courts. Had I espoused warmly the cause of Denmark, and justified the oppressions which the Danish Ministers inflicted upon Schleswig, I should have received much praise, both from the Danes and the Danish partizans in England. But in my opinion, to be just is the first duty of a Government in foreign as well as in domestic affairs.

When Lord Palmerston's Administration entered office in 1859, the position of foreign affairs was a very anxious one. The Emperor of the French, after having agreed with Count Cavour that he would if necessary support the independence of the Sardinian Monarchy, had by an unaccountable aggression of the Court of Vienna, been called upon to redeem his pledge. The victory of Magenta had opened the road to Milan, and filled with joy the people of Lombardy. The battle of Solferino had displayed the superiority of the French marshals over the Austrian commanders. The Emperor Napoleon, moved by various considerations, but especially by the weakness of the army left behind him in France, requested the English Government to transmit to the Emperor of Austria pacific overtures. These overtures led to no result, but very soon afterwards the two Emperors met at Villafranca, and agreed on preliminaries of peace. Count Cavour was much disgusted at the prospect of the sudden termination

of the war without securing Venetia for Italy. With the exception of this blot, however, the peace of Villafranca was the dawn of Italian independence.

The sun of freedom had begun to penetrate and illumine the plains and valleys of Italy. Massimo d'Azeglio had, with the tacit consent of the Emperor Napoleon, gone to Bologna. There he was received with a tumult of joy by 80,000 people. The Pope's Legate ordered his carriage, and quietly left the town. The people of Bologna had long been disaffected, and could ill bear the dark sway of a Government which permitted no freedom, and did not repress robbery. The Austrian military occupation had indeed tried by court-martial, and had shot a great number of brigands, but little was done for peace and order. Cardinal Spina, who had been Legate some years before, had said, with the usual wit and social good humour of a Roman cardinal, 'the city of Bologna is tranquil, but of persons really attached to the Pope's government there are none but myself and the Vice-Legate, and indeed of the Vice-Legate I am not very sure.' Things had not mended after his time; in 1856 the Pope had absolutely refused a request of the inhabitants belonging to the Liberal party, that their old municipal elections might be restored. Before the French Revolution, the Italian cities had enjoyed the right of popular election of their municipal bodies; Napoleon had put an end to all popular control; but he gave the people, as compensation, the benefits of an enlightened policy, an impartial administration of justice, and the Code Napoléon.

The Papal Government had abolished all the benefits of the enlightened rule of Napoleon, without restoring any of the local liberties of the old Italian cities. A more corrupt, jobbing, retrograde Government than that of the Pope could not well exist, and it was very ill-fitted to the quick-witted people of Romagna.

In Tuscany a somewhat different state of things existed. The reforms of Leopold, his impartial laws and commercial liberality, had secured to the people a mild, though not an intelligent and progressive Government. The men who were at the head of the popular party, said pretty openly: 'If, when the day of trial arrives, the Grand Duke joins the friends of Italian independence, we shall be well content to keep him as our ruler; but if he considers himself only as an Austrian Archduke, and relies upon German bayonets, he must be prepared to abdicate.' This latter course was the one adopted by the Grand Duke, who had little sense and no Italian sympathies. He was accordingly required to leave Florence, and quietly departed. The Marquis Lajatico, a younger brother of Prince Corsini, was sent to England, to express the desire of the Tuscans to be annexed to the new Italian kingdom.

It appeared to the Ministry of Lord Palmerston that Italy was well entitled to pronounce upon her own future, and that it would be quite unjustifiable to advise the sovereigns of Italy to take part in opposition to the great movement which had begun to pervade all parts of the Peninsula, especially as the Italians could now rely with confidence on the protection of France and the assistance of the brave army of Piedmont. This line of policy, which seemed not to have had the sympathy or good wishes of Lord Derby's Administration, produced great irritation at the Courts of Vienna, of the fallen Grand Duke of Tuscany, and of the tottering King of the two Sicilies. But neither the bitter hostility of Austria, nor the numerous intrigues which pervaded Europe, could prevail against the decided will of the Italian people, and the plain direct policy of the English Cabinet. The French Emperor devised a scheme of Federal Government, by which the King of Sardinia was to play a very subor-

dinate part, and the Pope was to be the head of a confederation, to be founded on foreign bayonets and priestly frauds. A single glance at the state of Italy sufficed to show the hollowness of this plan; its manifest defects were pointed out in despatches which emanated from Lord Palmerston's Government. Some of these are given in this collection.

The progress of the revolution in Italy was apparently obstructed by the letter of the articles of the Treaty of Zurich; but the Emperor of the French cautiously, but effectually, favoured Italian independence, and the English Government, without expressly promising to unite with France in any future war, gave Austria clearly to understand, that no attempt to reverse the results which had been produced in Italy by the victories of Magenta and Solferino would receive the support or countenance of Great Britain. Some Austrian statesmen, and many Austrian military officers, had looked forward to a time when the defeats of the Austrian armies might be avenged, and a successful march to Turin might be the means of restoring the Archdukes at Florence and at Modena.

A speech of Lord Derby in the City of London was calculated to nourish the belief that the supremacy of Austria in Italy was still a favourite object of British policy. But the decided tone of the despatches sent to Vienna by Lord Palmerston's Government, the speeches of Lord Palmerston and Mr. Gladstone, and the language held in Parliament by Her Majesty the Queen, dissipated any such expectation. Count Buol, the Austrian Minister of Foreign Affairs, grew angry and irritated. He was obliged to give up the hope of restoring Austrian government in Italy, and it became clear that Italy was to be at liberty to choose her own form of government, to elect her own Sovereign, and to frame her own laws.

It is not to be denied that this consummation was not

attained without much cunning fence on the part of Count Cavour, and an apparent, though unavowed complicity on the part of the Emperor Napoleon, which was not quite agreeable to his own people. The French understood very well that Austrian predominance in Italy was not for their benefit, but they hardly realised to themselves the duty of abandoning the idea of French predominance at the same time. Italy had been for more than 300 years alternately the seat of war and the scene of political intrigue for France and Germany. The Emperor Charles V. had overcome the French army at the battle of Pavia, and had destroyed the restless and fluctuating, but illustrious and enlightened Republic, which had ruled over Florence and the surrounding territory. An Austrian Archduke had at a later period obtained the Grand Duchy of Tuscany, in exchange for Lorraine. A Bourbon dynasty had ruled Naples and Sicily, in virtue of the Treaty of Utrecht, and the partition of the Spanish monarchy. It was hard to give up these convenient bargains in which the welfare of the people was never thought of, and every spark of liberty was crushed under the feet of despotic sovereigns. When, therefore, M. Thouvenel declared in a public despatch, that neither France nor Germany were hereafter to exercise a preponderance over Italy, many Frenchmen were dissatisfied with their Emperor.

At a later time, the Emperor Napoleon, then on his way to Algeria, quietly allowed an Italian general an opportunity of conquering the Legations, and the March of Ancona, which had hitherto belonged to the Pope.

The South of Italy still obeyed the despotic rule of a branch of the house of Bourbon. So bad was their Government that Great Britain and France had taken, some years before this time, the unusual step of withdrawing their Ministers from Naples.

It was against such a Government as this that Garibaldi planned an expedition from the neighbourhood of Genoa. The population and the kingdom of the Two Sicilies, and the material forces at the disposition of their king, may be collected from the following table taken from the *Almanach de Gotha* of a previous year.

Kingdom of the Two Sicilies.

POPULATION.

Continent	6,886,030
Sicily	2,231,020
	9,117,050

REVENUE.

Ducats	31,626,369

ARMY, 1859.

Active	92,586
Reserve	51,000
Total	143,586

NAVY.

2 Ships of the Line. 5 Sailing Frigates.
14 Steam Frigates.

With a total of 98 armed vessels carrying 822 guns.

Against this State, comprising nine millions of inhabitants, having an army of 143,000 men, and a navy of 98 vessels of war, Garibaldi led a force of somewhat under 2,000 men. On May 10 he effected a landing at Marsala, and soon afterwards marched towards Palermo. An outbreak of the inhabitants assisted his design. In a contest of some days Garibaldi and the insurgents triumphed, and after a conference on board the ship of Admiral Mundy, Palermo was surrendered to Garibaldi. Before the end of July the insurgents were in possession of the whole island, with the exception of Messina and Syracuse. It appeared to the British Government that the

Italians ought to be left to settle their own affairs. We had not much time to deliberate. When Garibaldi prepared to cross over to the mainland, the British Government were obliged to decide whether they would maintain or abandon the principle of non-interference. A despatch of M. Thouvenel was read to me by M. de Persigny on July 25, the substance of which is given in a despatch of mine to Lord Cowley of the 25th. After stating the position of affairs, the result is given in the following terms. 'M. Thouvenel then proceeded to say that his Government did not think that France and England, with a due regard for their own interests and dignity, could submit to remain passive spectators of such events, and that he had therefore said to your Excellency, as you report in your despatch of the 24th inst., that under present circumstances he thought it indispensable that the commanders of our naval forces should at once be authorized to declare to General Garibaldi that they had orders to prevent him from crossing the Strait. The internal policy of Sicily and of the mainland would thus be reserved for consideration, but we should announce that no foreign assistance should be allowed to intervene in the settlement of the question between King Francis II. and his Neapolitan subjects.' Having consulted the cabinet upon the contents of this communication, I informed M. de Persigny that Her Majesty's Government were of opinion that no case had been made out for a departure on their part from their general principle of non-intervention. That the force of Garibaldi was not in itself sufficient to overthrow the Neapolitan monarchy. If the navy, army, and people of Naples were attached to the King, Garibaldi would be defeated; if, on the contrary, they were disposed to welcome Garibaldi, our interference would be an intervention in the internal affairs of the Neapolitan kingdom. It could not be concealed that some of the nominations of

the King gave reason to fear his want of steadiness in a constitutional course. That if France and England should stop Garibaldi and a counter-revolution should take place, we should render ourselves responsible for the evils that might ensue. If France chose to interfere alone, we should merely disapprove her course, and protest against it. In our opinion the Neapolitans ought to be the masters, either to reject or to receive Garibaldi. The Neapolitan Navy, if faithful to the King's cause, would protect his dominions from invasion. But we could not deny that the young King must be liable to suspicion from the inheritance he had derived from his father of a character for tyrannical rule and repeated breaches of faith. I felt confident that even if Naples and the Roman States rose at the summons of Garibaldi, that General would not attack Rome while it was held by a French army which had made itself respected by its discipline and good conduct; nor 'would the King of Sardinia attack Austria in her province of Venetia, if the Emperor of the French should refuse his support to so wanton an act of aggression.' While the British Government thus declined any forcible interference with the projects of Garibaldi they gave the strongest advice to the Government of Turin not to attack Austria in Venetia. This advice, which was taken in good part by the King of Sardinia, tended to preserve the peace of Europe. Garibaldi on his side declined to comply with the express wish of the King of Sardinia that he should not attack Naples. Garibaldi said in reply, 'I am called for and urged on by the people of Naples. I have tried in vain, with what influence I had, to restrain them, feeling as I do that a more favourable moment would be desirable, but if I should now hesitate I should endanger the cause of Italy, and not fulfil my duty as an Italian. May your Majesty therefore permit me this time not to obey; as soon as I shall have done with the

task imposed on me by the wishes of the people, which groans under the tyranny of the Neapolitan Bourbon, I shall lay down my sword at your Majesty's feet and shall obey your Majesty for the remainder of my lifetime.'

On August 19, Garibaldi landed at Spartivento from Sicily, and drove back the Neapolitan soldiery so far as to be able to command the navigation of the Straits. He afterwards set out for Reggio.

On September 8, having defeated the Neapolitan troops at Reggio and San Giovanni, Garibaldi entered Naples in a railway train with ten or twelve companions. The King of Naples had left his capital two days before for Gaeta, but when Garibaldi entered with his few friends there were still 6,000 of the royal troops at Naples. They retired from the city without firing a shot, leaving Garibaldi to enjoy his triumph. A few weeks afterwards, on October 15, he signed a decree as Dictator, transferring the kingdom of the two Sicilies, with all their forces by sea and land, to the King of Sardinia. A more magnificent present has never been made. The following are the terms of the decree:—'In fulfilment of a wish indisputably dear to the entire nation, I decree: That the Two Sicilies who owe their redemption to Italian blood, and who elected me freely as Dictator, shall form part of Italy, one and indivisible with its constitutional King, Victor Emmanuel, and his descendants. I shall resign into the hands of the King on his arrival the Dictatorship conferred on me by the nation. The pro-Dictators are charged with the present decree.'

Still the work was not completed. The fortifications of Gaeta were strong, and the army of Garibaldi, composed of enthusiastic but undisciplined volunteers, was not likely to reduce a regular fortress, or even to maintain Naples against a regular army.

But at this moment the King of Sardinia determined

to interfere. His army advanced into Southern Italy, his fleet blockaded and bombarded Gaeta. The King of Sardinia on October 9 defended and explained his conduct in a manifesto which he thus concludes:—'I have proclaimed Italy for the Italians, and I will not permit Italy to become a focus for cosmopolitan sects who may meet there, to contrive schemes of reaction or of universal demagogic intrigues. People of Southern Italy! My troops advance among you to maintain order. I come not to impose my will, but to make yours respected. You may freely manifest it. Providence, who protects the cause of the just, will suggest the vote which you should place in the urn. Whatever the gravity of events, I wait calmly the judgment of civilised Europe and of history, conscious of having fulfilled my duties as a king and as an Italian. My policy perhaps will not be inefficacious in reconciling the progress of nations with the stability of monarchy. As for Italy, I know that there I bring to a close the era of revolutions.'

On October 26, Victor Emmanuel having crossed the frontier of Naples into the Abruzzi, met Garibaldi, who, advancing to the King, raised his cap and said in a voice trembling with emotion, 'King of Italy!'

The great monarchies of Europe had expressed in various ways their disapproval of the policy of the Court of Turin. France and Spain had withdrawn their ministers from Turin. The Emperor of the French had declared that if the Piedmontese troops were guilty of an aggression into the Pontifical territories he should be obliged to oppose them. The Emperor of Russia and the King of Prussia had lectured the King of Sardinia upon his unjustifiable conduct. The Ministry of Lord Palmerston could not be silent amid this chorus of indignation, nearly amounting to temporal excommunication from the councils of Europe.

On October 27, I addressed a despatch to Sir James Hudson in the name of Her Majesty's Government, explaining the opinion of England on recent events in Italy. This despatch will be found among the documents here selected.

In the meantime events followed their course. On November 3, the Sardinian army under General Cialdini commenced the siege of Gaeta, and as the French fleet did not interfere with the siege, the place was reduced and the King of Naples retired to Rome. On November 7, King Victor Emmanuel entered Naples in state, and on the 9th Garibaldi retired to his little island of Caprera, where he lived in the utmost simplicity, neither ennobled by titles nor enriched by wealth, as the fruit of his marvellous expedition.

King Victor Emmanuel received the surrender of the fortress of Gaeta, and in March, 1861, assumed the title of 'King of Italy.' At the meeting of the British Parliament, Lord Derby took occasion to notice the unity of Italy. Lord Derby said, 'No doubt all the people in Italy might be called Italians,

> "As hounds and greyhounds, mongrels, spaniels, curs,
> Shoughs, water-rugs, and demi-wolves are cleped
> All by the name of dogs."'

In spite of contemptuous and sarcastic phrases Count Cavour, on February 21, proclaimed with great truth in the Italian Senate 'The Kingdom of Italy is now a fact; it is our duty to affirm this fact in the face of the Italian people and of Europe . . . . The Senate will be happy to be the first to give a sanction to the wishes of all the Italians, and to salute with a new title the noble dynasty to which, born in Italy, illustrious for eight centuries of glory and of virtue, has been reserved by Divine Providence the glory of repairing the misfortunes, of healing the wounds, and of closing the era of Italian divisions.' These emphatic

words, worthy of the man who had done more than anyone else for the freedom and unity of Italy, worthy of the occasion, and based rather upon the accomplishment of a great design than upon a flourish of rhetoric, were received with enthusiasm. The decree was quickly passed, and the Government of Great Britain was prompt to acknowledge a title thus legitimately acquired—the termination of a long period of Italian servitude, and the commencement, it was to be hoped, of a new era of Italian glory. The greatness of Rome had never been coeval with the greatness of Italy. During the second Punic War a project had been formed for a representation of the principal Italian cities at Rome, but the jealousy of Rome, or perhaps the very nature of the ancient Republics, had prevented the success of the scheme, and when the Roman eagles had stretched far into the neighbouring countries of Europe, and the distant monarchies of Asia, the wealth brought by conquest, the violence of contending factions, the corruption of the judicial tribunals, and the political elections, the crimes of Marius and of Sylla, of Clodius and of Catiline, served to show that the vices of a great city were inconsistent with republican virtue, and paved the way for the most abominable, the most cruel, and the most licentious despotism that the world ever saw.

Let us hope that Italy, nearly, though not quite, completed by the annexation of Venetia, may give a better example to mankind, and that, illustrious in literature and in art, she may likewise excel in the wisdom of her political constitution, and a diffusion of the love of liberty and order over other nations of the globe.

The new Parliament of Italy met on February 18, at Turin. 'Opportunity, matured by time,' said Baron Ricasoli, 'will open our way to Venice. In the meantime we think of Rome. This is for the Italians not merely a right but an inexorable necessity. We do not wish to go

to Rome by insurrectional movements—unreasonable, rash, mad attempts—which may endanger our former acquisitions and spoil the national enterprise. We will go to Rome hand in hand with France.'

On March 30, the Marquis D'Azeglio was informed, in answer to a note of March 19, that he would be received as Envoy of Victor Emmanuel King of Italy. On June 25, the recognition of the kingdom of Italy by France was announced to the Italian Parliament.

POLAND.

In the beginning of 1863 revolutionary proceedings took place in Poland. Before I go further it will be as well to state some of the facts connected with the history of Poland since 1814. The Grand Duchy of Warsaw had been founded by the Emperor Napoleon I. with a view of giving hopes to the Poles, that France would employ her influence and her arms to restore Polish independence, but with no real intention of making efforts to secure that object. Napoleon, in conversation with his intimate friends and advisers, often said that Russia, Austria, and Prussia being all concerned in the partition of Poland, the task of undoing that work was too arduous an undertaking for France to countenance or support. His language to the three Governments was consistent with this opinion. It is said that he even suggested at Vienna that the name of Poland should be obliterated, and thenceforth disused in all the public transactions of Europe. The events of 1813–14, which did so much for the independence of so many of the nations of Europe, did little for Poland. The Grand Duchy of Warsaw, evacuated by French, was occupied by Russian troops. The Emperor Alexander, who combined in his projects and his philosophy a strange mixture of Muscovite ambition and French philanthropic literature, conceived

a notion that by making himself King of Poland he could at once gratify the Russian desire for her subjugation and his own dream of a popular despotism. One of the ablest of his diplomatic agents, who had ventured to hint to him that if he were to restore Polish independence he would gain immortal fame, was repelled by the imperial sneer, 'What, after I am dead?' and turned out of the room.

At Vienna, Lord Castlereagh, Prince Talleyrand, and Prince Metternich tried to divert Alexander from his ambitious design, but with little success. So earnest and so sincere, however, was Lord Castlereagh on this subject, that he persuaded his Government to join in a Treaty with France and Austria, to repel by force the accomplishment of this plan. Napoleon's return from Elba broke up the alliance, and he sent the Emperor of Russia a copy of the Treaty as projected at Vienna. When Napoleon was overcome the plan of armed resistance was not resumed. Alexander agreed to give a constitution to Poland, and Great Britain, for the first time in her history, sanctioned the partition.

The securities obtained by this Treaty for Polish freedom and national government were of little value. The word 'constitution' was employed, but its nature was in no way defined. It might place no further restrictions on despotism than the constitution which Napoleon had given to France in establishing his Empire in 1804. But small as was the value of the paper securities given to Poland, the wishes and the will of Poland on the one side, and of Russia on the other, destroyed that value altogether. The Poles, with a refined and educated, but vain and licentious aristocracy, aspired not to the enjoyment of liberty under the Emperor of Russia, but to national independence. A Representative Assembly and a separate army appeared to them not the mere ornaments of a vice-regal servitude, but the means of resuming their place among the nations

of Europe. The Russians, on the other hand, hated the Poles for their refinement, and despised them for their levity. It was clear that two such Governments could not be kept in harmony by the slender tie of a diplomatic union. It was equally clear that the Powers who had been parties to the Treaty—namely, France, Great Britain, Austria, and Prussia—could not interfere effectually to obtain from the Emperor of Russia rights and privileges for the Poles, or from the Poles submission to the Emperor.

The unavoidable rupture took place before long. For a time, indeed, the Emperor Alexander, indulging his dream of liberal popularity in Poland and brute despotism in Russia, fancied he could sway the discordant elements of a divided rule. But after a few years the aspirations of the nations of Europe, resenting those iron fetters which high-born despots had substituted for the gilded chains of Napoleon, burst forth in books and pamphlets, in petitions and in speeches, and even in tumults and insurrections, with such violence as to alarm the sovereigns whose union was afterwards known by the name of the 'Holy Alliance.' In 1820 it became clear that the Emperor of Russia was determined to abolish the constitution he had given to Poland, and equally clear that the Poles were not solicitous for the observance by Russia of the terms of the constitution, but looked to the establishment of their entire independence. The affairs of Italy, the revolutions of Piedmont and of Naples, engaged the attention, and attracted the intervention of the sovereigns of Europe, and it was not till 1831 that a French King, sprung from the revolution of July, addressed the British Government in favour of Poland.

Before this event took place, the principal Powers (England always excepted) had combined to enforce upon the nations of Europe the forfeiture of their in-

dependence. In so doing they had imitated the maxims and the policy, though not precisely the conduct, of Napoleon. Napoleon had declared at Bayonne that everything should be done for the people, nothing by the people. The Sovereigns of Europe had declared at Verona that improvements descending from above produced happiness and content, whereas innovations springing from below produced nothing but anarchy. The spirit was the same, though the conduct was widely different. Napoleon acted in a manner unbecoming a sovereign, but in a spirit of enlightened despotism; the Allied Monarchs were content to assume the attitude of tyrants. Napoleon had endeavoured to reform the abuses of the Spanish monarchy, to extirpate bigoted superstitions, to introduce the free purchase of land, and religious liberty, to promote equal laws, and an impartial administration. The Allied Sovereigns of 1823 combined to restore the rule of the King of the Two Sicilies, the most corrupt, the most benighted, the most degrading despotism of Europe, the Bourbon rule in Spain not excepted. It was inconsistent with the principles they put forth, that Ferdinand of Naples or Ferdinand of Spain should be restricted in the grossest acts of corruption, or be induced by any other mode than friendly persuasion, to refrain from punishing the innocent with death, and from extinguishing the slightest sparks of freedom of conscience. The most harmless attempt on the part of a Neapolitan or a Spaniard to raise his fellow-subjects from the lowest depths of ignorance was a crime of the deepest dye.

The French Revolution of 1830 deprived this Holy Alliance of the influence and co-operation of France, and the Poles imagined that the time had come when their independence might be achieved. But the treaties with England and France afforded no safe or sufficient ground

for interference. Lord Durham, then Ambassador at St. Petersburg, pointed out that although the Emperor of Russia had promised his allies to give Poland a Constitution, he had not specified what that Constitution was to be, and the Russian Government, directed by the Czar Nicholas, attributed to the sentimental benevolence of Alexander concessions which went far beyond his engagements, and which might be withdrawn at any time, as a generous but unsuccessful experiment. The attempts of the Poles were quenched in blood, and the remonstrances of England and France arrogantly, if not contemptuously, disregarded.

In 1856, at the Congress of Paris, Lord Clarendon informed Count Orloff that to the best of his belief the Poles would be tolerably well satisfied if national institutions were restored to them, if their religion were respected, and if they were allowed to use the Polish language, and if all their children might be educated at Polish schools, instead of a limited number of them only at Russian schools. Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything which Lord Clarendon had suggested, but he added in a friendly manner, 'Do not in the interest of the Poles bring the subject forward in the Congress, for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles, and the Emperor may perhaps think it a matter of dignity to postpone what he intends to do.' Lord Clarendon upon this refrained from bringing the subject forward, and Lord Palmerston approved his conduct.

In 1862 fresh discontent, fresh conspiracies, and fresh preparations for insurrection existed in Poland. The Russian Government took what they considered effectual means to suppress these discontents. The mode was rather a singular one. Not satisfied with arresting the

individuals who were supposed to be the leaders of the conspiracy, they made the conscription of January, 1863, an engine for seizing upon their supposed enemies. The intelligent Acting Consul-General at Warsaw, Mr. White, wrote on January 14 that the list of persons intended to be taken as recruits had been made out, that the utmost pains had been taken to include in these lists all able-bodied men suspected of revolutionary tendencies, and who had been marked out as such by the police during the last two years. Thus the so-called conscription was turned into a proscription. The lists of persons usually made by lot were made to comprehend all such persons as Octavius, Mark Antony, and Crassus might have deemed fit objects of suspicion, and all these persons were to be condemned for life to be soldiers in the Russian army.

This act was naturally the prelude to resistance and civil war. The Governments of France, England, and Austria thought that in face of such measures they could not be silent, and their remonstrances formed the subject of many months of angry correspondence between those Governments and that of Russia. The Government of Lord Palmerston in writing upon this subject placed the case upon two grounds; the first was that the Treaty of Vienna had been violated, that the word 'Constitution' in that Treaty must have meant some kind of popular representation, and that this promise had since 1820 been totally disregarded. Lord Palmerston himself took a large part in framing the despatches upon this subject. The second ground of remonstrance was specially taken by Austria, and the British despatches sent to St. Petersburg did little more than repeat the words of the Austrian official drafts. This was, that Poland was a source of ever-recurring disquietude; that Russia had entirely failed to satisfy the Polish population; and that the mal-administration of Russia was a cause of perpetual

alarm and danger for the peace of Europe. For the purpose of allaying this discontent the three Powers agreed upon six points, which they urged in concert upon the attention of the Russian Government. To these remonstrances the answers of Prince Gortschakoff were altogether unsatisfactory. He argued that the engagements of the Treaty of Vienna had been cancelled by the insurrection of the Poles in 1831. He gave indeed a vague promise that in a state of restored tranquillity those engagements would be respected. He did not refuse to consider the six points urged upon his attention, but instead of a conference of the Powers who were parties to the Treaty of Vienna he proposed a conference at Vienna of the three Powers who were parties to the partition of Poland, leaving out all those Powers to whom the promises had been made, and with whom the engagements had been contracted.

The question therefore came to be whether the three Powers should together urge their demands by force or relinquish the attempt? Upon this point the views of the British Government had for some time been settled. The prospect of a war with Russia for the deliverance of Poland was a very cloudy one. The object to be aimed at must have been, not the fulfilment of the stipulations of the Treaty of Vienna, but the establishment of Poland as an independent State. The basis for the erection of such a State was almost entirely wanting. The aristocracy of Poland were distrusted, wide in their projects, narrow in their notions of Government. They had gone to Petersburg with a deputation asking for their re-union with the western provinces of Russia. Such a re-union was never contemplated in the Treaty of Vienna, and would have reduced Russia to a second-rate Power; it could only have been attained, if at all, at the expense of a long and costly war.

The democracy of Poland were hostile to the aristocracy,

wild in their desires, bloody in their means: they sought by dark conspiracy and secret assassination to form a Republic which no Power in Europe would have liked to acknowledge, and which could only have been controlled by the vigorous and perpetual interference of France. The policy of England, no less than the policy of Austria, would have shrunk from the creation of such a state. Besides these difficulties as to the object, the means of carrying on war against Russia, with Prussia for her probable ally, would have been hazardous and expensive beyond calculation. The finances of Austria were in a ruinous condition, and while she would have looked to France and Great Britain to furnish her with the means of belligerent operations in Poland, her exertions would have been checked by the fear that the separation of Galicia from her dominions would be one of the results of her efforts.

Moved by considerations of this kind every proposition of France which tended to pledge the three Powers to war was declined by the British and Austrian Cabinets. Thus the matter dragged on without any further result than the impression made upon the Cabinet at St. Petersburg that Russia must be careful in her government of Poland, and that her victory for the moment, if unaccompanied by any conciliation, would only serve as a prelude to some future war which, if begun under happier auspices, might restore Poland to her place among the Powers of Europe. But it is evident that a century of defeat, disaster and subjection have not yet cured the Poles of those fatal habits of dissension and discord which enabled the Empress Catherine always to employ a powerful Polish party as instruments for the subjugation of their countrymen.

SCHLESWIG-HOLSTEIN.

Another question of still greater difficulty and more intricate complications was that concerning Schleswig-Holstein and the Danish monarchy. Lord Malmesbury had signed a treaty, to which Austria, Prussia, Russia, France, and England were parties; which declared that the integrity of Denmark concerned the European balance of power, and which recognised the present King of Denmark as the heir to the monarchy. It was certain that upon the death of the late King, questions of difficulty, perhaps a European war, might arise. Lord Derby said in the House of Lords 'Why not leave it alone?' But a treaty which his colleague had signed as Foreign Minister, and which might soon be productive of a war in Europe, could hardly be passed over as a matter of indifference.

The question was greatly complicated by engagements into which Denmark had entered with Austria and Prussia, acting in the name of the German Confederation and by which Denmark agreed to treat Schleswig as a separate province, and to respect its rights and privileges. Although these engagements formed no part of the treaty to which England and France were parties, it could not be denied that Germany, as represented by Austria and Prussia, had a right to expect the fulfilment of conditions which the Danish Government had solemnly promised to observe. There was, however, little sincerity and less justice in the Danish treatment of Schleswig. The inhabitants were chiefly German, and the aim of the Danish Government was to extinguish their nationality and make them Danes. In the schools sustained by public grants and local taxes no language but the Danish was allowed. When the British Government remonstrated with the Danish Ministers, they made an apparent con-

cession, by agreeing to allow German parents to have German tutors for their children. But the value of this concession was almost entirely destroyed by an order that families should not combine together to pay their teacher, but that a separate tutor should be maintained for each family. German clergymen, who received a public provision for their ministrations to German congregations, were harshly expelled, and filled Germany with the recital of their grievances and the details of their sufferings.

In this state of affairs I obtained the Queen's approval of a proposal for a compromise, not unfavourable to Denmark, but calculated to satisfy in some degree the requirements of Germany. Had this compromise been accepted the war might have been prevented, and the integrity of Denmark preserved. Austria and Prussia, in the most conciliatory manner, declared their willingness to accept the terms proposed. Denmark would likewise have accepted them, had not a large portion of the English Press, including the 'Times' and the 'Morning Post,' two powerful organs of public opinion, friendly to the Government, inflamed the passions of the Danes, and induced them to think that they would be defended by the arms of England against even the most moderate demands of Germany, and against the well-founded complaints of the oppressed inhabitants of Schleswig. Thus excited, they refused the proposed terms.

After twelve years of controversy and ill-will, the Danish Government proposed to incorporate Schleswig with Denmark, and Lord Wodehouse was sent to Copenhagen, with a view to remonstrate, on the part of the British Cabinet, against so manifest a violation of those engagements, by which Denmark was bound to Germany. But although the representations of Great Britain were supported by France and Russia, the Danish Government refused to give way, on the ground that the British Government had

not pledged themselves, in case of concession, to support Denmark by force of arms.

Thereupon the serious question arose in the Cabinet of Lord Palmerston, whether the British Government should promise to support Denmark by force of arms, in case of her accepting fairly the full extent of her obligations.

This question was one of no small difficulty. The five Powers had promised to recognise the reigning King of Denmark. England, France, and Russia had fulfilled their engagements; Austria and Prussia had not done so. Again, the Treaty of 1852 had declared that the integrity of Denmark concerned the balance of power in Europe; it had not said that it was essential to that balance. It was unreasonable to expect that England alone should go to war for the integrity of Denmark and the maintenance of the balance of power against Austria and Prussia. Russia had clearly signified by private communications, though not by public declarations, that she would not be a party to such a war. It seemed, therefore, to the Cabinet that at least the concert and co-operation of France were necessary, in order to justify the British Government in calling upon Parliament and the nation to defend Denmark.

This proposal, therefore, was made to the French Government; France was invited in clear and explicit terms to join Great Britain in defending Denmark by force of arms. To this proposal the Government of the Emperor replied by a decided refusal. The proposal was again made after the London Conference, and was again refused.

During the uncertainty as to the course of France and Russia the British Government took care not to hold out any promise of support to Denmark, and not to use any menace of war to the German Powers.

Had France accepted the proposal of England, and

not shrunk from the responsibility of war, there can be little doubt that Austria and Prussia, and the Powers of Germany, ill-cemented together, would have made reasonable concessions to Denmark, and that the Danes, aware of the danger they had incurred, would have been more punctual in performing their promises to Austria and Prussia. In that case the war between Austria and Prussia for the spoils of Denmark would have been avoided, and France would not now have had to lament the political preponderance and the formidable attitude of Prussia.

The independence of Denmark, deprived of Schleswig and Holstein, was weakened but not destroyed. Lord Palmerston, by his personal influence, assured himself that the Austrian fleet would not appear in the Baltic, and Copenhagen was saved from the horrors of a bombardment. The Treaty of Vienna in September closed this chapter of European history.

The statement I have made with respect to the refusal of France is borne out by a despatch of Earl Cowley, of January 27, and a despatch of mine to Earl Cowley of January 30. I copy an extract of this last despatch in this place, as it shows very clearly the Emperor's regard for the feelings and aspirations of nationalities, and his unwillingness to join England in giving material aid to Denmark.—'Earl Russell to Earl Cowley, Foreign Office, January 30, 1864. (Extract.)

'The Ambassador of France came to the Foreign Office on the 28th instant, and stated to me the contents of a despatch he had received from M. Drouyn de Lhuys on the subject of material aid to be afforded to Denmark in certain cases. M. Drouyn de Lhuys, after recapitulating the substance of my despatch of January 24 to your Excellency, explains very clearly the views of the French Government upon the subject. The Emperor recognises

the value of the London Treaty, as tending to preserve the balance of power and maintain the peace of Europe. But the Government of France, while paying a just tribute to the purport and objects of the Treaty of 1852, is ready to admit that circumstances may require its modification. The Emperor has always been disposed to pay great regard to the feelings and aspirations of nationalities. It is not to be denied that the national feelings and aspirations of Germany tend to a closer connection with the Germans of Holstein and Schleswig. The Emperor would feel repugnance to any course which should bind him to oppose in arms the wishes of Germany. It may be comparatively easy for England to carry on a war which can never go beyond maritime operations of blockade and capture of ships. Schleswig and England are far apart from each other. But the soil of Germany touches the soil of France, and a war between France and Germany would be one of the most burthensome and one of the most hazardous in which the French Empire could engage. Besides these considerations, the Emperor cannot fail to recollect that he has been made an object of mistrust and suspicion in Europe on account of his supposed projects of aggrandisement on the Rhine. A war commenced on the frontiers of Germany could not fail to give strength to these unfounded and unwarrantable imputations. For these reasons the Government of the Emperor will not take at present any engagement on the subject of Denmark. If hereafter the balance of power should be seriously threatened, the Emperor may be inclined to take new measures in the interest of France and of Europe. But for the present the Emperor makes his reserves for his Government. I did not interrupt the statement of the Ambassador, or contravert the reasoning of the despatch. I confined myself to an endeavour to ascertain clearly the position of the French Government.'

There is one remark which applies both to the Treaty of Vienna with respect to Poland, and to the Treaty of London with respect to the Elbe Duchies. Each of these treaties aimed at an impracticable object. In the Treaty of Vienna an attempt was made to recognise the sovereign rights of the Emperor of Russia as King of Poland, and at the same time to secure for the Poles, under the name of a Constitution, certain rights and privileges intended to guarantee their freedom and happiness. In the Treaty of London, again, an endeavour was made to maintain the integrity of the Danish monarchy, while at the same time the national privileges of the people of Schleswig were to be respected. It was supposed that the Emperor of Russia and the King of Denmark would honourably respect the privileges of the Poles and inhabitants of Schleswig; and that, on the other hand, the Poles and inhabitants of Schleswig would be content to live under the dominion of the Emperor of Russia and the King of Denmark. None of these expectations were likely to be, or were actually fulfilled. The Cabinet of St. Petersburg disregarded the rights and privileges of Poland, and the King of Denmark those of Schleswig. On the other hand, neither the Poles nor the German inhabitants of Schleswig were content to obey a Sovereign alien to their race and envious of their privileges. Hence arose complications which it was out of the power of any foreign Sovereigns to solve. How, in effect, were the Russian Ministers to be persuaded that the Poles ought to be more free and have greater privileges than the Russian subjects of the Czar? Again, how were the Danish Ministers to be induced to consent that a Government acceptable to the Danes should not be extended to the Duchy of Schleswig? On the other hand, how were the Poles to be induced peaceably to forego the use of their language, to see their religion degraded, and their local institutions made to square with

the dimensions of a Russian model? Or how were the Germans of Schleswig to be content to change their nationality? Thus, in fact, the difficulties imposed by these treaties could only be solved by war.

It is to be observed also that the spirit of the age tended to make the executive of each power more intensely national, to make the Ministers of Russia more Russian, and the Ministers of Denmark more Danish. But these were only additional difficulties in the execution of treaties which were in themselves by their own nature incapable of permanent force and obligation. The moral to be drawn from the events which took place in Poland and Schleswig between 1860 and 1865, is that a treaty binding foreign Powers to interfere between a Sovereign and his subjects, binding the Sovereign to govern with justice, and his subjects to obey with loyalty, is a treaty which circumstances will sooner or later deprive of all validity.

It was not in my power, however, to rail the seal off the bond. These treaties had been concluded by Lord Castlereagh and Lord Malmesbury, duly authorised by their sovereign, and Lord Palmerston's Government could not do less than point out in argument the duties which the Sovereigns of Russia, Austria, Prussia, and Denmark had contracted with the Sovereign of Great Britain.

In the war between Austria and Prussia, Count Bismarck skilfully let drop the quarrel relating to the Elbe Duchies, and making himself the champion of German unity, deprived Great Britain of all wish and all pretext for interference. In the war concluded by the Treaty of Prague, England, whether guided by Lord Palmerston or Lord Derby, was entirely neutral.

MEXICO.

The affairs of Mexico had been for a long time in a state of disorganisation. The Church party and the Liberal

party had contended for mastery with various alternations of victory and defeat, but with a uniform disregard of the obligations of good faith, justice, and humanity. The Liberals, who had for some time been confined to Vera Cruz, obtained at length decisive successes, and got possession of the city of Mexico. Reduced to embarrassment by the necessities of war and the insatiable demands of corruption, they suspended the payments which they were bound by convention to make to Great Britain in compensation for losses sustained by British merchants. Similar dishonesty and breach of faith were exhibited towards the Governments of France and Spain. The three Powers agreed to interfere by means of force in order to obtain reparation for the injuries their subjects had undergone. But unfortunately the Emperor of the French harboured a further design of insisting upon an alteration in the government of Mexico, with a view of establishing in that country an Executive capable of fulfilling its obligations to other Powers. The Government of Lord Palmerston endeavoured to obtain from the French Ministry an assurance that the Powers would not interfere in the internal affairs of Mexico. To such a stipulation the French Government strongly objected; but they agreed to an article to be inserted in the proposed convention laying down as a principle and basis of action that the three Powers would not attempt to impose a Government upon Mexico by force. Happily Sir Charles Wyke, our Minister there, was fully imbued with the spirit of non-interference, which was the ruling principle of the Government he served, and General Prim, who at the head of a large force held the commission of Representative of Spain, was deeply impressed with the evils which were sure to follow the attempt to impose a Government on Mexico by foreign bayonets. Unfortunately, the Emperor of the French was neither convinced of the sound-

ness of the principles nor impressed with the reality of the dangers which the Governments of England and Spain clearly perceived. Certain Mexican exiles at Paris, filled with those vague and sanguine aspirations which history tells us over and over again belong to the characters of men and parties banished from their own country, succeeded in convincing the Emperor Napoleon that they were a majority in Mexico; that with very little assistance they could form a Government likely to endure; and that thus the Latin race would be enabled to resist any future invasion from the United States, divided as they were by civil war. The Emperor of the French indeed avoided the great fault committed by his uncle, and did not attempt to place one of his own family on a foreign throne; but with an appearance of romantic generosity, which proved in the end to be excessive imprudence, he invited the Archduke Maximilian of Austria to ascend the throne of Mexico, and sent to his support some of the regiments which at Magenta and Solferino had met in war the Austrian battalions.

These views were not developed publicly at the time the convention was formed; but when the three Powers began to act, the divergence of views was soon apparent. The Englishman and the Spaniard wished to conclude a convention with Juarez, the President of the Mexican Republic, who was quite ready to grant favourable terms to invaders representing three of the great States of Europe. But the French Envoy, aware of the inclinations of his Court, refused to negotiate at all with the Mexican Republic, and pursued the plan of advancing upon Puebla, intent upon forming a pattern monarchy for the benefit of Mexico. Sir Charles Wyke and General Prim, holding fast to the convention by which their Sovereigns had bound themselves, broke off all relations with the French Minister, and withdrew the forces of England and Spain. It

seemed to me that France had engaged in an enterprise at once unjustifiable and impracticable, and I could expect no other termination to it than the failure of the French expedition and the deplorable death of Maximilian. My views on this subject were confirmed by a long conversation with General Prim, who compared the invasion of Mexico by Napoleon III. to the invasion of Spain by Napoleon I., and predicted a similar catastrophe as the destined end of a similar design. He was not mistaken. Had not this scheme interposed, the objects of the Expedition would have been fully accomplished.

UNITED STATES.

The civil war which broke out in America between the Northern and the Southern States was not only a great misfortune to the United States, but led to some very difficult questions of international law affecting the nations of Europe, and more especially England. The States which seceded were ten in number; they comprised a large territory extending from Virginia to Louisiana, Florida, and Texas. This territory embraced three thousand miles of coast; its exports were of very great value, including nearly all the cotton which was worked up in our manufactories, together with sugar and tobacco from which much of the British revenue was derived. That the insurrection was so formidable as to be rightly denominated a civil war, no one could deny. The President of the United States, in fact, declared it by assuming the belligerent right of blockade in his proclamation of April, 1861, and the Supreme Court of the United States—whose authority has always been looked to with great respect—laid down in plain and convincing language their grounds for deciding that the Southern insurrection constituted a state of civil war.

In this crisis many doubted what ought to be the policy of Great Britain. It was said by European statesmen of eminence that it was manifestly the interest of England to favour the division of the United States into two or more independent governments, no one of which could be formidable as an enemy. American politicians—without taking much pains to examine British policy, or giving us any credit for the good faith by which it has been almost uniformly guided,—thought that the scarcity of cotton, affecting the welfare and even the lives of so many of our people, would bring on immediate war.

In the face of this crisis, with all its dangers; amid the apprehension that a starving population might impoverish our resources and disturb our internal peace, the Government of Lord Palmerston and the people of Great Britain took the course which was required by a regard for their own honour, by the sentiments of sincere friendship which they entertained for the United States, and by a deep sense of their international duties. The blockade proclaimed by the President of the United States was acknowledged as a legitimate act of war; the subjects of the Queen were warned by proclamation not to take part in favour of either party, and were told that if they did so they would be liable to all the penalties of the law on the part of their own Sovereign, and their vessels exposed to capture and condemnation by the vessels and courts of the belligerents.

When Mr. Adams arrived as Minister from the United States, he was informed in explicit language, that no advantage of obtaining a supply of cotton, no pecuniary or commercial interest would be allowed to stand for a moment in competition with those obligations of friendship and good faith, which bound us to leave the Government of the United States free to use all its energies and resources in suppressing the formidable insurrection which it had to encounter. It is a fact that, owing to circum-

stances, the Northern States derived advantages from Great Britain, which the so-called Confederate States failed to obtain. In the course of the civil war 500,000 rifled muskets, and several batteries of cannon, manufactured in Great Britain, were sent to North America; the greater part of these implements of war were conveyed without impediment to the United States, while the Confederate States, having all their ports blockaded, obtained such necessaries as shoes and wearing apparel with the greatest difficulty. Blockade-runners, indeed, managed to escape the cruisers of the United States, but no considerable amount of warlike stores appears to have reached the Southern ports. It is true also that, according to the confession of the Secretary of the Federal Navy, the port of Wilmington never was efficiently blockaded, and that the Government of Great Britain refrained from making a remonstrance upon this subject. The British Government were far from pressing hard on the United States, and in spite of remonstrances from Lord Grey, Lord Clanricarde, Mr. Gregory, and others, put no impediment in the way of the capture of British merchant ships, and placed full reliance on the courts of America for redress in cases of wrongful capture by American ships of war. But when British honour was clearly assailed, as in the case of the Commissioners who were passengers in the Trent, reparation was promptly demanded, and honourably granted. If some delay occurred in giving that reparation, it must be attributed to the anxiety which President Lincoln and Secretary Seward naturally felt to allay American indignation before they fulfilled what they felt to be an imperative international obligation.

Another question, however, arose, upon which there has been great excitement and wide difference of opinion which have not yet reached their termination. Lord Stanley has stated the view which he takes of this subject, and as

it is a very fair and impartial statement, although I do not agree in it in every respect, it may well form a ground for the observations which I am about to make. 'There has never been any question upon our side of offering reparation for wilful and international wrong, because we do not admit, and we have no right to admit, that any such wrong was committed by us. But what we have all along in substance said is this, that international law being vague, and many new points of international law having arisen in connection with the events of the late war, it was quite possible that upon either side or upon both sides, in the absence of precedents to guide us, acts of unintentional wrong might have been done, and that the question whether they had been or not was one which we were perfectly ready to refer to the judgment of any impartial arbiter.' *

Let us fairly examine this question.

It is quite true, as Lord Stanley says, that international law is vague upon this subject. During the reigns of Elizabeth and James I., while peace nominally existed between England and Spain, acts of hostility of the most flagrant character took place on the part of English cruisers, and some of the most famous commanders of expeditions to the Pacific gained fame in these ambiguous wars. The Spanish Admirals on their side were not very observant of the laws of peace and amity, and even the Dutch merchants, zealous as they were for the independence of their new Republic, did not scruple to furnish the Spanish belligerents with materials of war to be used against their country. In the eighteenth century stricter notions of international comity prevailed. During the American war, in the manifesto against Spain, drawn up by Mr. Gibbon, the Spanish Government were reproached with

* Speech of Lord Stanley at King's Lynn, Nov. 1868.

sending implements and materials of war to our insurgent colonies.

On the breaking out of the French revolutionary war, the just and clear mind of Washington led him to conclusions founded not so much upon what was, as upon what ought to be, international law. He decided that the duties of neutrality did not allow a belligerent to fit out ships of war in a neutral port; and when from some doubts arising as to the true meaning of the treaty subsisting between France and the United States, permission was tacitly given to equip and arm French cruisers in American harbours, he yielded to the remonstrances of Lord Grenville, and agreed to pay compensation for the injuries done to British commerce in American waters.

Yet it was maintained that a ship of war might be fitted out, equipped, and armed in a neutral port, and sold to a belligerent as freely as a cannon or a musket. This decision was made by Mr. Justice Story, one of the greatest authorities of a country famous for judicial acumen and clear perception of the great maxims and foundations of international law.

If, casting aside the vagueness and contradictions of writers upon the law of nations, we endeavour to ascertain what should be the duty of neutrals, it does not seem very difficult to arrive at a fair decision. A neutral is bound not to permit any overt act of assistance to be given to either of two belligerents. Some writers have said, and some statesmen have argued, that assistance may be given to both, if given impartially; but this doctrine, though it may be consistent with the principle of neutrality, is so exceedingly difficult of application that its adoption would lead to reproaches and ill-will. On the other hand, it is impossible to make every kind of assistance given, not wilfully, but unintentionally, by individuals of the neutral State, a subject of complaint and compensation.

The violations of neutrality fairly considered, may be classed under two principal heads; one regards men, the other ships. Furnishing munitions of war, not connected with men or ships, may fairly be considered, as Washington considered it, a commercial transaction, with regard to which a neutral nation ought not to be debarred from pursuing a profitable branch of industry.

There remain the cases of men and warlike vessels.

With regard to men, it should not be lawful to enrol and equip, or to drill men and to form them into battalions in a neutral State. It is evidently an act of hostility to do so, and the friendly State against which such forces are prepared may justly remonstrate against such infringements of neutrality.

The same principle may be laid down with regard to the fitting out, equipping, and arming of ships intended to cruise against the commerce or the ships of war of a friendly State. It may be said indeed, in accordance with the principles of the law of nations formerly acknowledged by the United States, that a vessel equipped and armed is merely a munition of war, and that it may be sold to a belligerent as well as a cannon or a musket. But there is a broad distinction. Cannon or muskets may be packed up in cases; may be conveyed in the hold of merchant ships, and until they are taken out and put in the hands of men in the country of the belligerent do not actually become means of warfare. The sailors who convey them are no more than packers or porters or carriers, conveying goods to their destination. But the case is different when a vessel is fitted up and armed for war. The sailors who form the crew to navigate her become at once the soldiers who fire her cannons and aim her muskets. In fact, the very case upon which Justice Story decided, the case of the 'Independencia,' the captain, officers, and crew who took the vessel to Buenos Ayres became in a few days,

without further change or equipment, the officers and crew of a cruiser acting under the commission of the Government of Buenos Ayres against the commerce of Spain, the friend and ally of the United States.

For these reasons the Congress of the United States in 1818, and the Parliament of the United Kingdom in 1819, passed laws to prevent the equipping and arming of ships within their ports against any State with which they maintained the relations of peace and friendship.

When those two great maritime Powers passed laws, imposing upon their citizens and subjects more stringent obligations than the law of nations had ever considered as binding upon neutrals, it became of the utmost importance to ascertain what was the nature, and what was the extent of their obligation. Their true nature and extent are nowhere laid down with greater precision than by Sir Roundell Palmer in his great speech of March 29, 1863. After stating the general law of nations, the decision of the Supreme Court of the United States, in the case of the 'Alerta' in 1815, Sir R. Palmer proceeds to mention the Foreign Enlistment Act, and asks,

'If then "à priori" a ship or arms may be sold, unless the neutral State interferes to prevent it, what is the extent of the right which a foreign Government derives from the existence of the Foreign Enlistment Act? Only this, that the foreign Government may appeal to the friendly spirit of the neutral State to enforce its own Statutes according to its own principles of judicial administration. The United States Government have no right to complain if the Act in question is enforced in the way in which English laws are usually enforced against English subjects,—*on evidence, and not on suspicion; on facts, and not on presumption; on satisfactory testimony, and not on the mere accusations of a Foreign Minister or his agents;* the Act must be not only interpreted, but executed according

to law. It can be put in operation only on such evidence as our own Government would deem sufficient to justify proceedings in any other case.'

This passage contains the kernel of the whole case.

By the law of nations armed vessels might be sold, arms might be furnished by a neutral to both parties in a war. Judges of eminence might lay down the law according to the authority of the greatest writers on the subject in question.

But when neutral obligations were defined by statutes, every country must enforce the law on its own principles of judicial administration.

For example, Mr. Adams frequently came to me to complain of ships, fitting out, as he affirmed, for purposes of war against the United States. But when I asked for evidence, and told him that I was ready to enforce the law, he usually replied by saying that the information he had obtained was confidential, and he could not betray persons who had confided in his honour, by giving up their names. Upon inquiry it frequently turned out that the vessels denounced were blockade-runners. But supposing the vessels to be really intended for warlike purposes, how could I instruct the law officers to go into the Court of Exchequer and ask for the seizure and condemnation of British ships upon anonymous information?

Yet such seems to have been the unreasonable expectation of the American public.

The case of the American shipowners is thus stated by Mr. Upton, one of themselves, in a petition to the Senate of the United States. Mr. Upton puts in his claim 'for piracies committed by British-built, British-manned, and British-armed vessels, by vessels and armaments which left British ports under the protection of the British flag, and burnt American ships, and those of your memorialist among the number, upon the high seas, without taking them into

port for condemnation, and without any action being taken on the part of the said British Government, when these atrocities were laid before it, to prevent the same, but on the contrary, these pirates were everywhere received with rejoicing when visiting British ports; and when the notorious builder of one of them boasted of the same in the British Parliament, of which he was a member, he was received with cheers and expressions of satisfaction.'

Let us examine these statements one by one. The word 'piracies' may be supposed to stand for captures: whether piracies or not, depends on the character of the vessels. 'They were,' says Mr. Upton, 'British-built.' This may be admitted. The next assertion is that they were British-manned; this is only true in part. In point of fact, the vessels were manned by crews consisting mainly of American officers and American men; and were commanded by American captains, born in the Southern States, then in insurrection against their Government. The next assertion is 'by British-armed vessels, by vessels and armaments which left British ports, under the protection of the British flag.' There is much unfounded assertion here. The vessels were unarmed vessels, and the 'Alabama' when in an unarmed state left a British port, without any clearance, with no British protection, to go into other ports under foreign jurisdiction, where the British flag gave no more protection than the flag of the United States. In these ports of foreign States they were equipped and armed. The next assertion is that these vessels burnt American ships without taking them into port for condemnation. This is quite true, but the reason for it was that the British Government refused to allow any prizes to be brought into British ports. Their refusal to allow this facility to Confederate cruisers, once hailed with rejoicing, is thus made a ground of complaint. The next assertion is, 'that no action was taken by the said British Government

when these atrocities were laid before it to prevent the same.' This allegation requires some further explanation.

I have stated that in 1818 and 1819, the American Congress and the British Parliament passed laws to secure the observance of neutrality in the event of hostilities between States or communities with which they were at peace. But it must be remembered that both Great Britain and the United States are free countries; both allow great latitude to the action of the individual; both refuse to permit any person to be imprisoned for more than a very short time, unless upon credible evidence, and on the verdict of a jury. Hence when there is a strong popular feeling, such as prevailed in the United States in behalf of the South American insurgents, and in a British port, and a portion of the British public on behalf of the Confederate States, it becomes a matter of the greatest difficulty to convict persons of offences against the Foreign enlistment law. This difficulty arises by reason of the unwillingness of those who sympathise with the offenders, to come forward and give evidence, the unwillingness of judges to press the law, and the reluctance of juries to convict persons who have their sympathy. These difficulties are inherent in the Constitution of free countries. They were felt to a very great extent during the progress of the South American contest, when five or six vessels at a time were built and armed and manned in the port of Baltimore, and no evidence could be procured by which they could be hindered from going to sea and taking prizes of great value from the merchant marine of Portugal. The same difficulties were felt by the British Government when complaint was made that vessels were being fitted out in the Mersey and the Clyde, to prey upon the commerce of the United States. The only effectual remedy would have

been the abolition or suspension of trial by jury. But neither Parliament nor Congress would have been willing to suspend the constitutional liberties of the subject. Instead of giving this remedy the Secretary of State of the United States always asked for evidence which he promised to lay before a jury. Of exactly the same nature and to the same effect was the answer of the British Government. They gave to Mr. Adams, the Minister of the United States at the Court of St. James's, the same answer which Mr. Adams, Secretary of State, had given to the Ministers of Spain and Portugal, at Washington. It could not be otherwise. When one of the Confederate vessels, called the 'Rappahannock,' went to Calais it was so enclosed, or said to be so enclosed, by vessels of the French navy that it could not escape. But had a similar course been pursued by the British Government actions for damages would have been brought, and would in all probability have been successful.

Such, then, was the real complaint of the Spanish and the Portuguese Ministers against the United States, and of the United States Minister against Great Britain. It was, in fact, a demand that trial by jury should be abrogated or suspended. To such a demand no free Government would listen.

There were, however, cases in which it might be affirmed that negligence was shown by the Executive Departments of Great Britain. The only one of these which merits attention is that of the 'Alabama.' The British Government, it was obvious, could not act without evidence, nor could they proceed upon evidence which their law officers declared was insufficient to procure a conviction in a court of law.

The case of the 'Alabama' is thus stated by Sir Roundell Palmer, then Solicitor-General:—

'On June 23, Mr. Adams first called the attention of

our Government to the information he had received about the building of the "Alabama." . . .

'When they received the representation . . . our Government took the proper and usual course; they directed the Commissioners of Customs to have the case inquired into.

'On July 1, the Commissioners made their report to Lord Russell; they said it was evident the ship was a ship of war; it was believed and not denied that she was built for a foreign Government, but the builders would give no information about her destination, and the Commissioners had no other reliable source of information on that point.

'On July 4, Mr. Adams was informed that the evidence was not sufficient, and on July 23 Mr. Adams furnished fresh evidence, corroborated by an opinion of Mr. Collier, that the evidence would justify the detention of the "Alabama."'

This likewise was the opinion of law officers of the Crown. The following are the facts:—

On July 23, the papers sent by Mr. Adams to the Foreign Office were transmitted as usual to the office of the Queen's Advocate, directed to the Queen's Advocate and to the Attorney and Solicitor General. Other papers were sent by Mr. Adams on July 26, and were likewise transmitted to the Queen's Advocate and the law officers. It is said that the Queen's Advocate, Sir John Harding, was already suffering at this time from the mental malady which for a long period incapacitated him. Be this as it may, the Attorney and Solicitor General met on Monday, July 28, between four and five o'clock in the afternoon, and advised the detention or seizure of the 'Alabama.' The report was sent to the Foreign Office on the following morning. But on telegraphing to Liverpool it appeared that on that morning the 'Alabama' had escaped on pretence of making a trial trip.

This was no case of wilful favour to the Confederate ship. It could not be argued either that the British Government had favoured the Confederates, or that the law officers had mistaken the law.

These were the two grounds upon which I declined to submit the question to arbitration by a Foreign Power.

It appeared to me that we could not, consistently with our position as an independent State, allow a foreign Power or State to decide either that Great Britain had been wanting in good faith, or that our own law officers did not understand so well as a foreign Power or State the meaning of a British statute.

The fault of the Convention signed by Lord Stanley, and by which Lord Clarendon was likewise bound, was that under the vague phrases of 'Alabama Claims' and 'Arbitration,' it would have been open to the United States to contend that the conduct of the British Government had been throughout wanting in good faith and that an arbiter chosen by lot (perhaps Mr. Sumner), or a foreign Power or State, should decide upon points deeply affecting the honour of the British Government.

It is true that the Queen's Secretary of State might have denied this interpretation, but that denial would only have produced a quarrel, if not a war.

It was fortunate therefore that the American Senate should have refused to ratify the Convention, signed by Lord Clarendon and Mr. Reverdy Johnson.

As matters stand at present, the only peaceable alternatives appear to be a reasonable answer to the claims of the United States, or an agreement to drop the whole question on both sides.

What I should esteem a reasonable answer is one suggested by Mr. Forster, the Vice-President of the Committee of Council on Education.

I understand him to say that neither the Secretary of State for Foreign Affairs, nor the law officers were in fault, but that the official persons employed at Liverpool were wanting in due diligence, and that this country might, in reparation of that neglect, grant compensation for the losses incurred by merchants in consequence of captures made by the 'Alabama.'

It appears to me that if the officers of the Customs were misled, or blinded by the general partiality to the cause of the South known to prevail at Liverpool, and that a *prima facie* case of negligence could be made out, Great Britain might fairly grant a sum equivalent to the amount of losses sustained by the captures of the 'Alabama.'

Such a Convention must be strictly limited to the case of the 'Alabama,' and no such wide phrase as 'Alabama Claims' can be justly admitted. The 'Shenandoah' was neither fitted as a man-of-war, nor was any warlike purpose suspected either by the American Minister or British authorities.

Even so limited, such a Convention would be new to the law of nations, and would not be accepted as a precedent by the United States, or any other independent State.

But it is desirable to close this source of quarrel, and to make a concession beyond our positive obligations in order to promote good will between two nations which, independently of their common origin and common language, have every reason to bury the hatchet and make harmony their object.

Such a Convention, however, would fall far short of satisfaction to the United States, and it would probably be quite useless at this moment to make so moderate a proposal.

Another matter, of which Mr. Upton and his countrymen complain, is the reception of the Confederate cruisers

in the British colonial ports. The allegation 'that these pirates were received with rejoicing when visiting British ports; and that when the notorious builder of one of them boasted of the same in the British Parliament, of which he was a member, he was received with cheers and expressions of satisfaction,' can hardly be considered as proper matters for diplomatic representation or pecuniary compensation. The members of the American Senate must be aware that in Great Britain, as in the United States, there are two parties, and that if the Government party were disposed to go to the utmost extent of justice in behalf of the Northern States, the Opposition were sure to be clamorous on behalf of the South. The exuberant utterances of a free nation must be permitted to us by the most zealous advocate of the American claims.

The serious question, however, arises, was it right to admit the Confederate cruisers into British ports? The precedents of the British Navy, and the general usages of international law, sanctioned the practice of commissioning a man-of-war, far from the ports of the country to which it belonged, by virtue of authorities acting on behalf of that country. Had it been otherwise, a British fleet might, in the last war with France, have been entirely crippled by the loss of some of its ships, and the impossibility of supplying their place by ships captured from the enemy, or bought from a friendly Power.

It was to be lamented, indeed, that this general rule should have been applicable to the Confederate vessels whose flag had been recognised only as that of a belligerent, and not as that of an independent State. I stated in the House of Lords the reasons which would induce the British Government to be very slow, and very reluctant in recognising as an independent nation the Confederate States.

Accordingly, notwithstanding the appeals of Southern

partisans, no recognition of the Southern Confederacy by Great Britain ever took place.

But the Cabinet of Lord Palmerston thought that the general rule must be observed, and that although the Confederate men-of-war could neither be repaired or fitted as vessels of war, nor furnished with warlike stores in British ports, they ought to receive the ordinary repairs and victualling necessary to enable them to put to sea.

Some difficulties arose in the endeavour to convict the 'Alexandra,' a ship notoriously fitted out by the Confederates. Chief Baron Pollock and another Judge of eminence held that to equip meant to arm, and that equipment meant arming. Two other Judges differed from this interpretation, and, owing to some technical difficulties, the matter was never decided upon its merits by the Exchequer Chamber or by the House of Lords. Thus the result of a very costly process was that the 'Alexandra' was released, and heavy compensation paid for her detention.

Upon the whole matter it appears that no Foreign Enlistment Act now in existence, perhaps none that can be devised, can prevent the citizens or subjects of a free country from devising the means of assisting the party which they are inclined to favour in a State distracted by foreign or civil war. Men like Lord Cochrane or Sir Charles Napier will escape from their own shores in order to give to a belligerent they favour the advantage of their daring courage, of their experienced skill, of their established reputation. In the same way ships unarmed, and not fitted in any way for purposes of war, may be carried to some distant port beyond the jurisdiction of the country where they were built, and may there be equipped and armed, and receive a crew from one of the two belligerents. Such was the history of the 'Shenandoah.' She was known as a merchant ship employed in the conveyance of goods and

passengers to Australia. She was purchased by some one secretly, on behalf of the Confederates, and she had left the Thames for a month before the United States Minister in London had the slightest conception that she was gone to a foreign port, to be fitted up as a cruiser against the commerce of his country.

Thus, although very few vessels left the ports of England to be afterwards armed and employed as cruisers, and although the endeavours of the British Government to protect a friendly Power from depredations on its commerce were far more successful than those of the United States to prevent the capture of Spanish and Portuguese vessels by cruisers, fitted out and armed at Baltimore, during the insurrection of the colonies of Spain and Portugal, yet it seems clear that no ordinary care of Governments, however friendly and however careful, can entirely prevent such an evasion of its laws, or such a want of vigilance on the part of some of its subordinates, as to secure a State carrying on war from an interruption of its commerce on the part of ships built as merchantmen in the ports of a neutral. To make a neutral liable for all captures thus effected would be indeed a portentous innovation on the law of nations. Prussia might in a future war demand from the United States compensation for losses to her commerce caused by vessels built in the United States, but owned, manned and armed by Frenchmen. Spain might in a similar manner claim indemnity from France for losses suffered from vessels built in French ports, but manned and armed by citizens of the United States. In short, there would be utter confusion in all international law.

The only fair rule seems to be that laid down by the Great Powers of Europe during the recent discussions respecting Greece and Turkey.

On January 20, 1869, the Plenipotentiaries of Austria-Hungary, France, Great Britain, Italy, Prussia, and Russia

affixed their signatures to a document, finally settled in the following terms :—

'DECLARATION.

'Justly pre-occupied with the dangers which may arise from the rupture of relations between Turkey and Greece, the Powers, signataries of the Treaty of 1856, have come to an understanding to settle the dispute which has arisen between the two States, and for this purpose have authorised their Representatives at the Court of His Majesty the Emperor of the French to meet in Conference.

'After an attentive study of the documents exchanged between the two Governments, the Plenipotentiaries have agreed in regretting that, yielding to impulses with regard to which she may have been led astray by her patriotism, Greece should have given occasion for the grievances specified by the Ottoman Porte in the ultimatum transmitted on December 11, 1868, to the Foreign Minister of His Majesty the King of the Hellenes. "It is indeed unquestionable that the principles of international law oblige Greece, like all other nations, not to allow that bands should be recruited on her territory, or that vessels should be armed in her ports to attack a neighbouring State."

'Persuaded, moreover, that the Cabinet at Athens could not misunderstand the thought which suggests this view to the three Courts, protectors of Greece, and to all the other Powers, signataries of the Treaty of 1856, the Conference declares that the Hellenic Government is bound to observe in its relations with Turkey the rules of conduct common to all Governments, and thus to satisfy claims put forward by the Sublime Porte in respect to the past, by re-assuring her at the same time with regard to the future.

'Greece ought, therefore, in future to abstain from favouring or tolerating—

'1. The formation on her territory of any band recruited with a view to an aggression against Turkey.

'2. The equipments in her ports of armed vessels intended to succour, under any form whatever, any attempt at insurrection in the possessions of His Majesty the Sultan.'

The rule thus laid down by the Great Powers is well calculated to simplify the question as to the duties of neutrality. The escape of a single officer into the territory of a belligerent Power, after going through several countries not engaged in war, could hardly be guarded against by any amount of care; and the subsequent punishment of such men as General Church and the Englishman who fought with Garibaldi, can neither be made effective by law, nor would it be sanctioned by public opinion. But the enrolling and drilling of a body of men for service in a foreign country is a fact easily ascertained and easily restrained. A State which permits such a violation of the relations of peace and friendship, may justly be held responsible for hostile intentions. In the same way armed ships can hardly leave the ports of a State without observation; and the burthen of proof might fairly be laid upon their owners, so that they should not be allowed to leave a port without satisfying the ruler of the State that the armed ship was not intended to be employed against a Power on terms of amity with the State from whose port the vessel departs.

The question of equipment is far more difficult. A ship may be so fitted up as to show clearly that she is intended for purposes of war; but some of the tests that have been proposed, such as strengthening the decks of a merchant ship so as to enable her to bear the weight of guns, is a very insufficient criterion, and forms a very inadequate ground for the confiscation of property of a valuable nature. For instance, a merchant of London or New York engaged

in the trade with China might think it right to fit up his ships in such a manner that they might ship guns at Singapore or Hong Kong, and be able to defend themselves against the pirates who abound in the Chinese seas. He might consider such a precaution due to the crews whom he induced to navigate his ships, as well as a fitting protection for the property of which he was the owner. But if a judge should, without the intervention of a jury, condemn him to lose two or three hundred thousand pounds to satisfy the suspicions of some foreign Power, he might fairly think himself aggrieved.

The words of the Declaration, therefore, 'the equipment in her ports of armed vessels' seem necessary, with a view to avoid ambiguity. These terms agree with Chief Baron Pollock's interpretation of the present Foreign Enlistment Act.

During the discussion of the questions relating to the 'Alabama' and the 'Shenandoah,' it was the great object of the British Government to preserve for the subject the security of 'trial by jury,' and for the nation the legitimate and lucrative trade of shipbuilding. The United States Government, although they professed not to attack either the principle which secures to the subject of England his property, or to aim a blow at the existence of the trade of shipbuilding, would evidently, if their claims had been listened to, have put both in jeopardy.

No Government is better acquainted with the principles of the law of nations, no Government is more sensible of what is due to her own honour and her station in the world, than the United States. We know what was the course of the Executive Government when Spain and Portugal complained of the departure from Baltimore of ships fitted to cruise against Spanish and Portuguese commerce. We know likewise what was the answer of her Government when it was suggested that the neutrality laws of the

United States might be improved. These precedents form the data upon which the past may be justified; these precedents furnish the elements by which the future may be regulated.

My own opinion is, that drilling of armed men, and fitting out of armed ships, are the only breaches of neutrality which can properly be made penal by the municipal law. The reception of armed cruisers in neutral ports is a question for the law of nations, which in this respect might be improved by a measure like the Declaration of Paris.

In looking back to the transactions which took place during the time when I held the seals of the Foreign Department, I cannot regret that I favoured the independence and unity of Italy; nor can I affect to lament that Great Britain did not take part in a war for the deliverance of Poland or for the integrity of Denmark.

I am convinced that no country ever held a neutral conduct more honourably than Great Britain did during the Civil War in America. I trust that the partisan feeling which has blinded the United States on this subject will, in no long time, and on more deliberate reflexion, give way to a more just appreciation and a fairer estimate of our conduct.

DESPATCHES.

Lord J. Russell to Sir J. Hudson.

Foreign Office, June 28, 1859.

Sir,—I have received and laid before the Queen your despatches, to that of the 25th instant inclusive.

With reference to the last number of those despatches, giving a summary of a circular issued by the Sardinian Government, announcing to their authorities that they 'have created, at the Department for Foreign Affairs, a temporary office for the transaction of business arising out of the relations which have sprung up from the annexation to, or protection by, Sardinia of Italian Provinces during the present war,' I have to state to you that Her Majesty's Government readily admit the expediency of uniting the efforts of those engaged in war with Austria, either by the regular action of the respective Sovereigns or the spontaneous movement of the inhabitants, under one common direction.

But with regard to the permanent annexation to Sardinia of States hitherto obeying their separate Sovereigns, Her Majesty's Government have adopted a line of conduct which they believe to be in conformity with the law of nations. Her Majesty's Government, as I stated to you in my despatch of the 22nd instant, consider that everything done at present must be considered as provisional; and that although it may be necessary to make arrangements for the temporary maintenance of order in countries where the previous Government has been withdrawn, or has been

overthrown, yet the will of the people, the fortune of war, and finally an European Treaty, must, in the last resort, settle the territorial arrangements and rights of sovereignty in Northern and Central Italy.

Her Majesty's Government are happy to find that the view they have taken of this matter is shared by the Government of the Emperor of the French, and confirmed by the declaration in the 'Moniteur' of the 24th instant, announcing that it has been erroneously inferred, from the fact of the dictatorship having been offered to the King of Sardinia from all quarters of Italy, that Sardinia, without consulting either the wishes of the people or the Great Powers, reckons, by the support of the arms of France, on uniting the whole of Italy in a single State; but that such dictatorship is a purely temporary power, which, while uniting under a single authority the common forces, has the advantage of in no wise prejudging future combination.

From the language of Baron Brunnow I infer that such is likewise the view taken of the matter by the Russian Government.

You will read this despatch to Count Cavour, but will not furnish his Excellency with a copy of it.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Mr. Elliot.

(Extract.) Foreign Office, July 6, 1859.

You will press strongly on the Principal Minister of the Crown the necessity of abolishing, as soon as possible, the despotism of the police.

Men may differ about the merits of Representative Constitutions, and the form and time in which they should be put in force; but there can be no difference of opinion

among enlightened men about the necessity of a due, impartial, and speedy administration of justice.

To keep men in prison without trial; to place them under a zealous and suspicious police—thus embarrassing all their actions, even the most innocent—is contrary to every principle of justice: it is also a violation of the Code by which the Neapolitan Government professes to be guided.

It was the open, systematic, and continued violation of justice, which induced Her Majesty's Government to suspend friendly relations with Naples.

Perhaps the best course would be to summon a Representative Assembly, and frame, with their assistance, laws by which arbitrary government may be checked. But, at all events, some steps in favour of liberal institutions are absolutely required, in order to prevent an outburst of discontent, which can only be suppressed by military force.

You will guide your conduct by the language of this despatch.

Mr. Elliot to Lord J. Russell.

(*Received July 7.*)

(Extract.) Naples, July 1, 1859.

Your Lordship's despatch of June 22 was delivered to me on the 27th, by Messrs. Johnson, and I shall not fail to guide my conduct by the instructions it contains.

With regard to the Constitution, I shall carefully follow the line prescribed by your Lordship, by abstaining, as I have hitherto done, from expressing any opinion as to the necessity for its immediate revival; but I feel assured that I have not gone beyond your wishes by avowing to the Neapolitan Ministers the conviction that a return to a constitutional form of government will be the most effectual, and perhaps the only, mode of giving real stability to the throne.

Though my language hitherto has been of this vague nature, your Lordship will, perhaps, allow me to express the belief that the time is fast approaching when the interest of the Neapolitan Kingdom and of the Dynasty now occupying the Throne will make it advisable that the opinion of Her Majesty's Government should be more clearly stated, and their influence more decidedly felt.

The desire for a Constitution is daily increasing, and converts to the cause are being gained from the highest quarters; not the converts of conviction, but those of fear, who, without love for free institutions, see in them the sole escape from other dangers: but any influence which they may possess is paralyzed by that of the Camarilla, who, as I have before stated, teach the King that he may rely on the support of Great Britain.

The warnings which I may give of the falseness and danger of this calculation can produce but little effect compared to that which might be made by a formal declaration on the part of Her Majesty's Government that, notwithstanding their desire to see the present Dynasty maintained upon the Throne, neither their material nor moral support is to be looked for, if, by a continued denial of an improved form of government, the people is driven to expel it.

An assurance of this nature, coupled with a promise of a hearty moral support to the Dynasty, in the event of fair liberal institutions being honestly granted by the King, would undoubtedly have great effect upon the Court; and, without inconveniently compromising Her Majesty's Government, or even giving an appearance of interference in the internal affairs of Naples, it would, I believe, at the same time, satisfy the wishes of the large moderate constitutional party.

Mr. Elliot to Lord J. Russell.

(*Received July 7.*)

(Extract.) Naples, July 2, 1859.

I was this morning received by the King in an audience at which I had the honour to put into his hands, with suitable expressions in Her Majesty's name, the Queen's reply to the letter in which His Majesty had announced the death of King Ferdinand, and his own accession to the throne.

I took the opportunity of telling the King that, since I had last had the honour of seeing him, I had received your Lordship's despatches, which contained assurances of the interest and goodwill of Her Majesty's present Government towards him, no less lively than those which I had before been instructed by the Earl of Malmesbury to express; but I added that Her Majesty's Government feel strongly that the true, and probably only, support upon which His Majesty ought to rely is to be found in the affection and gratitude of his own subjects.

The King replied that he would be glad to do what he could.

Lord J. Russell to Mr. Elliot.

Foreign Office, July 7, 1859.

Sir,—Her Majesty's Government concur in the opinion which you express in your despatch of the 1st instant, of the importance of the King of the Two Sicilies deciding at once to adopt a liberal system of internal policy, as the only chance of averting a political convulsion and of maintaining himself and his Dynasty on the Throne.

It seems hardly credible that either His Majesty, or any of the counsellors by whom he is surrounded, should shut their eyes to the perils of the present moment, or expect

that when the rest of Italy is agitated by hopes of liberty and improvement in its social position, Naples alone should remain uninfluenced by the general movement.

The King may now with a good grace enter upon a new system of government. He can do so now without exposing himself to any imputation of inconsistency, and a less measure of alleviation would be accepted with gratitude by his subjects if spontaneously granted now, than if it were hereafter extorted by revolutionary violence.

It may suit the purposes of those who have thriven on the past abuses, to encourage the King to follow in his father's footsteps, for a change of system would probably lead to their ruin; but it appears to Her Majesty's Government that the King has now to choose between the ruin of his evil counsellors and his own: if he supports and upholds them, and places himself under their guidance, it requires not much foresight to predict that the Bourbon Dynasty will cease to reign at Naples, by whatever combination, Regal or Republican, it may be replaced.

Her Majesty's Government fully admit that it is not desirable that any Government should be hasty or intrusive in giving advice regarding domestic changes in another country; but when the Throne of an ally may be endangered, it becomes the duty of a friendly Power to say that, notwithstanding its desire to see the present Dynasty maintained on the Throne of Naples, neither the moral nor the material support of England is to be looked for by the King, if, by a continual denial of justice, and the refusal of an improved form of internal administration, the Neapolitan people should be driven into insurrection, and should succeed in expelling the present Dynasty from the Throne.

It would surely add to the stability of the King's Throne, both at home and abroad, if it were known that

the sympathies of the British Government were enlisted in his favour; while, on the other hand, the mere fact of a policy being persevered in by His Majesty, which must notoriously alienate those sympathies from him, is of itself the strongest encouragement to perseverance which can be held out to persons honestly seeking, but determined to obtain, at all hazards, an improvement in the internal administration of the Neapolitan territories.

I am, &c.
(Signed) J. RUSSELL.

Lord J. Russell to Mr. Elliot.

(Extract.) Foreign Office, July 7, 1859.

You may assure General Filangieri that, in the opinion of Her Majesty's Government, there is no chance of safety for the King and his Dynasty but in the convocation of a Representative Assembly.

Lord J. Russell to Mr. Elliot.

Foreign Office, July 8, 1859.

Sir,—With reference to your despatch of the 2nd instant, I have to state to you that Her Majesty's Government approve of your having informed Prince Satriano that the Neapolitan Act of amnesty should be so extended as to include Baron Poerio and his companions.

I am, &c.
(Signed) J. RUSSELL.

Mr. Elliot to Lord J. Russell.

(*Received July* 26.)

(Extract.) Naples, July 17, 1859.

I read to General Filangieri, almost *in extenso*, your Lordship's despatch of the 7th instant.

He listened to it with extreme attention, and appeared fully to recognise the friendly interest shown by Her Majesty's Government.

His wish to stand well with England cannot be called into question; and he is quite aware that the sympathy and goodwill of the British Government must constitute a strong element of stability to the Throne. By being now warned that, notwithstanding the desire of Her Majesty's Government to see the present Dynasty maintained on the Throne of Naples, neither the moral nor material support of England is to be looked for by the King if his people are driven into insurrection by a continued denial of justice, General Filangieri is furnished with a powerful weapon against those who oppose his attempts to carry out those measures which alone can secure the sympathy of Her Majesty's Government.

Lord J. Russell to Mr. Elliot.

(Extract.) Foreign Office, July 28, 1859.

The leaders of the Liberal party should be told that Her Majesty's Government cannot encourage them in any course which might bring down upon them the resentment of their Government. In such case Her Majesty's Government could not interfere to protect them, and must therefore be cautious in giving them any advice.

It appears, however, to Her Majesty's Government, that the persons in question ought not to present any petition, or take any step which might be, or which might be considered, illegal. The wish of Her Majesty's Government is to see the Neapolitan Dynasty supported on the basis of liberal institutions, and we shall not fail to speak in that sense to the Minister who may be appointed to represent the King of the Two Sicilies at the Court of Her Majesty.

Lord J. Russell to Earl Cowley.

(Extract.) Foreign Office, July 13, 1859.

I have to instruct your Excellency to ask Count Walewski the following questions:—

1st. What arrangements are concluded by the Preliminaries, and what arrangements remain to be still considered?

2nd. What means are in contemplation for carrying the proposed arrangements into effect?

If a Congress should be proposed, the course of Her Majesty's Government will be very much guided by the answers to the questions I have named. In the meantime we have no propositions to make.

Earl Cowley to Lord J. Russell.

(*Received July* 14.)

(Extract.) Paris, July 13, 1859.

Count Walewski has received the document signed at Villafranca on the night of the 11th instant.

The Emperor of the French and the Emperor of Austria are agreed as follows:—

The two Emperors engage to use all their efforts to establish an Italian Confederation, under the honorary presidence of the Pope.

The Emperor of Austria cedes all his rights in Lombardy, with the exception of the fortresses, to the Emperor of the French, who passes them to the King of Sardinia. (The Mincio, therefore, will be the line of demarkation.)

The Emperor of Austria retains Venetia, which will become an integral part of the Italian Confederation.

Tuscany and Modena to be restored to their rightful Sovereigns, with a general amnesty.

The two Sovereigns engage to use all their influence with the Pope to obtain a large measure of reform.

A general amnesty.

Count Walewski did not read the document to me, but the above is the substance of its contents, as stated to me by his Excellency.

He observed that this was a mere act of agreement between two Sovereigns, and that Austria had at once asked for its conversion into a Treaty, and had proposed that Plenipotentiaries should meet for the purpose at some town in Switzerland.

I asked Count Walewski whether any resolution had been taken with regard to Parma. He replied that he had just received a telegram from the Emperor, stating that the disposal of Parma was left for the decision of a Congress; but that His Majesty's impression agreed with that of Count Walewski, that the Duchy must be restored to its rightful Sovereign.

I inquired whether his Excellency entertained hopes of introducing any real ameliorations into the Papal Government. He answered that he had satisfactory accounts from Rome, that the Pope had spontaneously announced his readiness to follow the advice which might be tendered to him by France; that his Excellency had in consequence instructed M. de Grammont to tell his Holiness that the Emperor, although determined to show every respect to the Head of the Church, expected serious ameliorations, which would certainly comprise Lay Governments in the Legations and the Marches. The French Ambassador was further directed to endeavour to persuade the Pope to take the initiative in granting those reforms which had become indispensable.

Count Walewski then reverted to the question of a Congress. He said that it was absolutely necessary that whenever a Treaty embodying the bases stated above,

should have been signed between France and Austria, it should become matter of international agreement.

I asked him how he proposed to arrive at a Congress, if Austria absolutely refused to take a part in it. His Excellency seemed to think that the objections of Austria were confined to making the bases of arrangement the subject of discussion by a Congress, but that they did not extend to a Congress hereafter, when her understanding with France should have assumed the form of a Treaty. He should, however, be able to speak with greater certainty on this point after he should have seen the Emperor.

His Majesty is expected in Paris on Saturday or Sunday. He slept last night at Desenzano. He will be to-night at Milan, and on Friday at Turin.

Earl Cowley to Lord J. Russell.

(*Received July* 16.)

Paris, July 15, 1859.

My Lord,—In compliance with the instructions contained in your Lordship's despatch of the 13th instant, I have inquired of Count Walewski,—

1st. What arrangements are concluded by the Preliminaries of Peace signed at Villafranca, and what arrangements remain to be still concluded.

2ndly. What means are in contemplation for carrying the proposed arrangements into effect.

I likewise informed Count Walewski that, should a Congress be proposed, the course of Her Majesty's Government will be very much guided by the answers he might make to these questions.

Count Walewski replied that I knew as much as he did himself about the Preliminaries. There was nothing more in them than he had stated to me. I can, therefore,

only refer your Lordship to my despatch of the 13th instant.

As to the means for carrying the proposed arrangements into effect, Count Walewski observed that all these details had been left for future consideration, and that he did not see how it would be possible to settle them without having recourse to a Congress or Conference.

He had been pressed, his Excellency said, by the Russian Government to propose the immediate assembling of a Congress, but he had some difficulty in doing so, because there could be no doubt that the Emperor of Austria had signed the Preliminaries of Peace with the understanding that the Emperor of the French had abandoned the proposal of a Congress; and were the French Government to propose one now, it might have the appearance of an act of bad faith. Still he hoped that the Austrian objections to a Congress would disappear with the signature of a Treaty of Peace, and that Austria would then no longer refuse to ask Europe to sanction the engagements which that Treaty would contain.

Another point to be considered was, that as yet there had been no mention of a Treaty of Peace between Austria and Sardinia.

Upon my pressing Count Walewski further as to the matter to be submitted to a Congress or Conference, he said that the future Italian Confederation, or at all events the bases for it, ought to emanate from thence.

I could not obtain any further elucidation of Count Walewski's views with reference to your Lordship's questions than what I have stated above. Perhaps, on the Emperor's return, I shall be in a position to give your Lordship some more positive information.

I thought it as well to observe to Count Walewski that, although Her Majesty's Government would be desirous of meeting the wishes of the French Government, yet that I

doubted the possibility of their entering into a Congress without some positive certainty of obtaining substantial reforms in the Governments of Central and Southern Italy.

I have, &c.

(Signed) COWLEY.

Lord J. Russell to Earl Cowley.

Foreign Office, July 16, 1859.

My Lord,—In expectation that, upon the return of the Emperor of the French, Count Walewski may be able to give explanations upon the two points to which I have called your attention in my despatch of the 13th instant, I proceed to state more in detail the nature of the developments required in order to enable Her Majesty's Government to understand the purport, bearing, and extent of the engagement entered into by the two Emperors at Villafranca.

1. It is said there is to be an Italian Confederation, of which the Pope is to be Honorary President, and of which the Emperor of Austria is to be a Member.

Of what significance is this title of Honorary President? Is the Pope really to preside by his Legate, or is there to be a Lay President chosen in any other way than by the sole will of His Holiness?

If the Emperor of Austria is to enter the Confederation, he will, of course, do so with the whole moral and political force of his Empire; but is he to rule in Venetia by a purely Italian Administration, and with none but Italian troops?

Is it contemplated that the States composing the Confederation should engage to assist each other to repel foreign attack, and to put down internal discontent? and, in case of intervention in any one of the States of the Confederation, will the Emperor of Austria be at liberty

to employ military force to put down insurrection? For instance, may he thus interfere at Turin, or Florence, or Naples?

2. How is the proposed treaty to be carried into execution? It is already understood that the *de facto* Government of Florence intend to resist its execution in Tuscany. Are French, or Austrian, or Piedmontese troops to be employed to put down such resistance at Florence, Modena, Bologna, and other places which have risen upon the invitation of Sardinia, and taken part in what they deemed a national war?

In what manner is the Confederation to be formed?

Are the King of Sardinia and the King of the Two Sicilies to exercise their own free will to belong to it or not?

Are the French troops to remain in Rome without limit of time? Are French or Austrian troops to occupy the Legations?

Your Excellency will say that these, and other similar questions, must be answered fully before Her Britannic Majesty can be advised to decide upon the question whether to acknowledge the proposed Italian Confederation, or to remain aloof.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

Foreign Office, July 25, 1859.

My Lord,—The Ambassador of France brought to me on the 19th instant the enclosed despatch, together with the Preliminaries of a Treaty of Peace, signed by the Emperor of Austria.

The despatch, as you will perceive, proposes to Her Majesty's Government to enter into Conference or Con-

gress, in order to confer on all the questions raised by the actual state of things in Italy, and which are connected with general interests.

The Treaty of Villafranca must be considered under two aspects: the one as putting an end to the war between France, Sardinia, and Austria; the other, as forming the foundation of a new organisation of Italy.

With regard to the first aspect, I have only to say that Her Majesty sincerely rejoices at the cessation of bloodshed and the restoration of peace. The Emperor Napoleon was the best judge of the limits he would place upon the sacrifice of the lives and fortunes of his subjects. The Emperor of Austria was fully empowered to procure peace by the surrender of a province. The new acquisition of territory by the King of Sardinia will be readily acknowledged by Her Majesty.

But the Preliminaries go further, and decide in a brief fashion the future destinies of Italy.

It is to be desired, by all the nations of Europe, that Italy should not be left in that insecure and dissatisfied state which gave rise to the observations made by the Plenipotentiaries of Great Britain and France, in the Conferences at Paris in 1856, and that her organisation should afford some security against the perturbations and revolutions which were foreseen at that time by the Ministers of those Powers.

The mode in which it is proposed this great object should be accomplished is this:—

1. The two Emperors will favour the creation of an Italian Confederation.

2. The Emperor of Austria is to be a member of this Confederation.

3. The Grand Duke of Tuscany and the Duke of Modena, returning to their States, are to be members of this Confederation.

4. The Pope is to be Honorary President, and the seat of the Confederation is to be at Rome.

5. The remaining members of the Confederation will be the Kings of Sardinia and the Two Sicilies, and the Duchess of Parma.

Her Majesty's Government have anxiously considered these provisions, and they come with regret to the conclusion that they will not fulfil the intentions which the Emperor of the French and the Queen of Great Britain proclaimed in common in 1856.

The Emperor of Austria having the support of the Pope, and followed by two Princes of his House, must infallibly exercise a preponderating influence in the Councils of the Confederation. It is not of much consequence how many votes he may have in virtue of his possession of Venetia: he will be neither willing nor able to appear in the Confederation in any other character than as the Sovereign of the powerful Empire of Austria. His power will be Austrian, his means Austrian, his views Austrian. How can a King of Sardinia, or a King of Naples, hope to withstand or to persuade him?

Under the shadow of this overwhelming power, therefore, the light of Italian independence will be quenched. For instance, the laws of Piedmont of late years have favoured liberty of worship, liberty of education, liberty of the press. But what hope would there be of maintaining these liberties before a tribunal presided over by His Holiness the Pope, and where the Emperor of Austria and two Archdukes of Austria would have a certain majority? The state of the Press, be it remembered, is a subject which has been treated more than once in the German Confederation. We may conclude, therefore, that it is a fit subject for the deliberations of the new body; and we may easily foresee that the restrictions which the Emperor

of Austria asked, in vain, of the King of Sardinia, he would obtain with facility from the Italian Confederation.

Again, in case of internal disturbance in one of the States of the Confederation, it is to be presumed that the united body would interfere. But how would the people of Turin bear to see an armed force from the State of Venetia take part in their internal disputes?

It may be said that Venetia will have none but Italian Governors and Italian troops. But, supposing this to be the case (which is by no means certain), neither the dignity, nor the habits of dominion, of the Austrian Empire, would sanction an order of things in which the Emperor would act a subordinate part. The parallel of the Duchy of Luxemburg in the German Confederation, quoted by Count Walewski, does not hold good. The King of Holland has no power to exercise influence in Germany, which can at all be compared to that which an Emperor of Austria would have in Italy.

The conclusions at which Her Majesty's Government arrive are:—

1. That if there is to be an Italian Confederation, Austria ought not to be a member of it.

2. That the only way of carrying into effect the declared views of Great Britain and France at the Conferences of 1856, is, to free Italy as soon as possible from the presence of foreign troops, whether French or Austrian.

It is true that, if Venetia is not the member of a Confederation, that province will remain more completely Austrian than is contemplated by the Treaty of Villafranca; but other parts of Italy would thereby secure their independence.

With regard to other parts of the Treaty, I have to observe:—

1. That the Kingdom of Lombardy will be very insuffi-

ciently protected on its eastern frontier, and a vast expense will be necessary to raise new fortresses.

2. That it is very desirable to have a secular or lay Viceroy in those parts of the Roman States which are not immediately in the vicinity of Rome. If Perugia and Foligno could be placed under the same Vice-royalty with the Legations, it would be a great advantage to the Pope's subjects.

The city of Rome and its immediate neighbourhood would remain, by this arrangement, as heretofore, under the direct government of the Pope.

I now address myself to the second question which I asked your Excellency to put to the Minister of Foreign Affairs of France—namely, how the Preliminaries of Villafranca are to be carried into effect.

It appears to Her Majesty's Government that the Emperor Napoleon rightly and properly suggested to the Emperor of Austria that he ought not to use Austrian troops to impose, by force, the restoration of the Grand Duke of Tuscany and the Duke of Modena.

I have had extracted from your despatches the various forms in which this conversation has been repeated.

It being well understood that Austrian troops are not to cross the Po or the Mincio to interfere in the internal government of the States of the Pope, or of Tuscany, Modena, or Parma—still less in Lombardy, Piedmont, or the Kingdom of the Two Sicilies; and that the Emperor of the French intends to withdraw his forces from all parts of Italy as soon as the new organisation is completed; there remains little more to be said as to the mode of carrying the Treaty into execution.

The free voice of Tuscany can probably be ascertained by summoning an Assembly of the Representatives of the people.

I have thus frankly laid before you the views of Her

Majesty's Government. If they diverge so greatly from those of the Emperor of the French that our objects cannot be pursued in common, it will be of no use for a British Plenipotentiary to attend a Conference. If, on the other hand, His Imperial Majesty allows that the reasons I have employed have some force, and if Austria, as a late belligerent, and the other neutral Powers, Russia and Prussia, are willing and desirous to meet in Conference, Her Majesty will not interpose obstacles that might seem to be raised in an unfriendly spirit. The wishes of the Emperor of the French, and the possible advantage to be derived to Italy from a Conference of the Great Powers, will always have their due weight with Her Majesty's Government.

I have taken for granted that the Emperor of Austria will waive his objections to the meeting of a Conference. He will, it may be supposed, be reluctant to resist the express wishes of the Emperor Napoleon; but, if he should do so, it may be presumed there will be no use in assembling an European Conference in which Austria will not be represented.

The considerations I have laid before you, however, apply to a state of things which may be altered by the engagements to be taken at Zurich. You will, therefore, not communicate the contents of this despatch to Count Walewski till the Treaty of Peace to be made at Zurich shall have been communicated to Her Majesty's Government.

I am, &c.
(Signed) J. RUSSELL.

INCLOSURE.

Extracts of Despatches from Earl Cowley respecting the Restoration of the Dukes of Tuscany and Modena.

In answer to a question put by Lord Cowley on the 17th, Count Walewski said that the Emperor had distinctly stated to the Emperor of Austria that he could not consent to the employment of French troops for the reinstatement of the Duke and Archduke, and that he did not think it possible that Austrian troops should be employed. The question, therefore, was left undecided.

As regards coercion, in order to carry out the Preliminaries of Peace, with reference more particularly to the return of the Grand Duke of Tuscany and Duke of Modena, Count Walewski said: The Emperor was in no way bound to employ measures of coercion, and hoped that they might not become necessary. Nothing positive had passed between the Emperors on the subject; but it was understood that neither French nor Austrian troops should be employed. The Emperor of Austria said, indeed, that the Duke of Modena would re-enter his dominions without difficulty, and he hoped the Grand Duke of Tuscany would do so likewise.

Foreign Office, July 25, 1859.

Lord J. Russell to Earl Cowley.

Foreign Office, July 27, 1859.

My Lord,—I received from your Excellency, yesterday afternoon, a telegram inquiring whether Her Majesty's Government would prefer that the Treaty to be concluded at Zurich should be framed on such a basis as would admit of all the questions arising out of it being discussed at a Congress, or should merely confirm the Pre-

liminaries at Villafranca, though containing a declaration that France and Austria mutually agree never to interfere again in the affairs of Italy without the previous consent of Europe.

My answer to you was, in substance, that what Her Majesty's Government would prefer, of the two propositions laid before them, would be that, to the Treaty confirming the Preliminaries, a declaration should be added that, neither in the execution of those Preliminaries, nor at any other time, will France and Austria interfere by force in the internal affairs of Italy without the previous consent of Europe.

I added that if this declaration could not be obtained your Excellency's first proposal would be acceptable.

In thus acceding to the first proposal, if the second in an enlarged and more binding form could not be obtained, I did not mean, of course, that Her Majesty's Government would be ready to go into a Conference before the Treaty of Zurich had been signed, or into a Conference which was not attended by a Plenipotentiary for Austria. In short, your Excellency will understand that I do not mean to depart from the terms of the despatch I addressed to your Excellency on the 25th instant.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Lord A. Loftus.

Foreign Office, July 27, 1859.

My Lord,—I have read with some surprise the account given by your Lordship, in your despatch of the 18th instant, of Count Rechberg's conversation with you.

It seems that Count Rechberg complains that England abandoned Austria in the late war; that he wishes the Austrian Cabinet to be frankly and loyally informed of

the political views and intentions of Her Majesty's Government; and that he does not wish to receive unsolicited advice.

These desires are somewhat inconsistent. If Austria pursues a course which the Government of Great Britain considers detrimental to Austria herself and to Europe, she must not expect to be supported by Great Britain in such a course; if she wishes to be frankly informed of the political views and intentions of Her Majesty's Government, she must expect that such communication must sometimes bear the character of unsolicited advice.

I know not that I have openly avowed a wish and desire that Italy should be wholly freed from Austrian domination. But I have always wished that Austria should not interfere beyond her own limits; that she should not send troops to oppose freedom and good government in Tuscany, Modena, Naples, Parma, and the Roman States.

Nay, this is at present the wish of Her Majesty's Government. The Treaty of Peace has left Austria in possession of Venetia. We submit to that provision as a fair application of the principle of possession; of the 'uti possidetis' so often adopted as the basis of a Treaty on the termination of a war. But, if Austria were to send a military force to impose a Government at Florence and Modena; if she were to employ her troops in restoring the Pope's authority at Bologna; Great Britain would view such conduct as the commencement of fresh troubles in Italy, and possibly the precursor of a war in Europe.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Mr. Russell.

Foreign Office, July 28, 1859.

Sir,—I have received your despatch of the 14th instant. In answer to that despatch, I have to desire you will

inform Cardinal Antonelli that the affairs of Italy are far too much disturbed to allow Her Majesty's Government to give any final opinion in respect to them without communication with the other Great Powers of Europe.

You will say that our habits and opinions induce us to think that the people of any country are the best judges of the institutions under which they live, and the readiness of the people of Romagna to rise when the weight of foreign troops was removed, affords to our minds a presumption against the administration of the Papal Legates.

You will further say that in judging of a foreign country we may be entirely mistaken; but that it appears to us that a layman appointed by the Pope from among the most able, enlightened, and popular of his lay subjects, as Governor for life of the Legations and Marches, with Representative Councils, would seem to Her Majesty's Government to afford the best chance of maintaining the Pope's temporal sovereignty.

I am, &c.

(Signed) J. RUSSELL.

Earl Cowley to Lord J. Russell.

(*Received July* 28.)

(Extract.) Paris, July 27, 1859.

I saw Count Walewski this morning, who informed me that M. de Banneville, formerly Secretary to the French Embassy at Vienna, had been sent to that capital with an autograph letter from the Emperor to the Emperor of Austria.

The statement thus made to me by Count Walewski gave me an opportunity of explaining, in general terms, the views of Her Majesty's Government, as conveyed to me in your Lordship's despatch of the 25th instant, received yesterday.

I said that Her Majesty's Government were unwilling to give any decided opinion respecting the propriety of attending a Congress, until they saw the shape which the Preliminaries of Peace might assume in a Treaty, and that, therefore, I had no instructions as yet to enter upon that point with his Excellency; but, to judge from the Preliminaries, Her Majesty's Government, I remarked, were apprehensive that the Treaty to be based on them would not fulfil the intentions proclaimed by the British and French Plenipotentiaries in the Congress of Paris, of obtaining some security against the perturbations and revolutions which so constantly threaten the tranquillity of the Italian Peninsula. I said that a Confederation which would permit the Emperor of Austria, for Venetia, the Pope, the King of Naples, and two Austrian Archdukes, to bring their united influence to bear upon its decisions, gave but little hope of Italian liberty; and with regard to Venetia assuming a similar position to that of Luxemburg, I observed that the comparison would not stand the test of near examination, because the weight and influence of the King of Holland in the Germanic Confederation, as Duke of Luxemburg, was positively nothing as compared to the weight and influence which would be exercised by the Emperor of Austria, as King or Duke of Venetia, in an Italian Confederation.

Count Walewski demurred to this latter assertion. His Excellency said that he had been examining the relations existing between Holland and Luxemburg, and he found that the latter had no other connection with Holland than that the two countries had a common Sovereign, their administration, finance, army, &c., were completely separated. He went into some details to prove this, and added, that if the Emperor of Austria could be persuaded to render Venetia as independent as was Luxemburg, and to make Mantua and Peschiera federal fortresses, he

thought there would be little danger of Austria exercising supreme rule in Italy.

I maintained my argument by reversing the picture, and asking Count Walewski whether the Duchy of Luxemburg would not be a far more influential member of the Germanic Confederation, if, instead of being connected with Holland, it belonged to a potentate as powerful as the Emperor of Austria. For these reasons, then, Her Majesty's Government seemed disposed to think that it was preferable that Venetia should not form part of an Italian Confederation. If Venetia, herself were to lose by such an arrangement, the rest of Italy would, at all events, gain.

Further, I said, that Her Majesty's Government must continue to urge the secularisation of the Papal Government. Count Walewski said that he had received a courier yesterday from Rome, and, to judge from the contents of the despatches which had reached him, the Pope seemed inclined to take the initiative in that direction.

Upon pressing his Excellency for more precise information on this important point, I could obtain nothing positive beyond the fact that His Holiness will not consent to a separate administration for the Legations and the Marches, but that he is not indisposed to accept the programme of 1857. His Holiness consents to be Honorary President of the projected Confederation, provided its organization contains nothing to which he must conscientiously object. For instance, he could not declare war in the name of the Confederation.

I terminated this conversation by begging Count Walewski to believe that Her Majesty's Government were anxious to meet the wishes of the Imperial Government by sending a Plenipotentiary to a Congress, provided that the terms of the Treaty to be concluded at Zurich were such as would permit them to do so; that Austria and

the other two Great Powers consented to the proposal; and that Her Majesty's advisers should see reason to hope that the views of the Imperial Government with regard to the future reorganization of Italy would be in unison with their own.

Lord J. Russell to Earl Cowley

Foreign Office, July 30, 1859.

My Lord,—I saw the Marquis de Lajatico this morning.

He came to express the hopes of the Provisional Government of Tuscany that there would be a Conference or Congress on the affairs of Italy, and that Great Britain would support, at such Congress, the wishes of the Italians to have their Governments independent of foreign Powers.

He told me that the Tuscans, at the beginning of August, would elect freely, and by a very extended suffrage, members of their Constitutional Assembly; that, in all probability, the majority would be in favour of incorporation with the Kingdom of Sardinia: if that was unattainable, they would desire to be ruled over by a Prince of the House of Savoy; and if that plan was objected to, they would be content to live under the Duchess of Parma, and her son the Duke of Parma.

I said I had heard that the young Archduke, the son of Leopold II., was ready to accept the Constitution and the Italian colours; that he had good abilities, and had more liberal opinions than his father; that he himself (the Marquis de Lajatico) had proposed that Leopold should abdicate in favour of his son.

The Marquis replied that, since that time, other circumstances had occurred. The Archduke had been present at a Council where orders were given to the troops to fire on the people of Florence. He had been at Modena, prepared to enter Tuscany at the head of an Austrian force,

had fortune favoured the Austrian arms at Magenta. He had accompanied the Emperor of Austria at the battle of Solferino. Many thousand Tuscans had fought, during the war, in the Piedmontese ranks, and the Hereditary Grand Duke had fought against the Tuscans in the opposite ranks.

I said the British Government would wait the result of the proceedings of the Tuscan Assembly, and endeavour, by counsel and advice, to combine the wishes of the people of Tuscany with the views of the Great Powers of Europe.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

(Extract.) Foreign Office, July 30, 1859.

I saw the Count de Persigny to-day.

His Excellency assured me that the Emperor was animated with the strongest desire to maintain peace, and to preserve the most friendly relations with England.

He said that the Emperor had resolved to place his forces by sea and land on a peace footing, in order to prove to Europe that his intentions were pacific.

I replied, that Her Majesty's Government received this announcement in the spirit in which it was made, namely, as affording a proof of the Emperor's desire to be at peace with Europe.

Lord J. Russell to Mr. Fane.

Foreign Office, August 16, 1859.

Sir,—Whatever may be the view which, when the time arrives for a decision, Her Majesty's Government may take of the question of a Congress or of a Conference, there is one point on which they have a most decided opinion.

The Preliminaries of Villafranca state in general terms,

'The Grand Duke of Tuscany and the Duke of Modena return to their States, granting an amnesty.'

Two different senses may be attributed to this Article. It may be supposed to mean, 'any resistance to the return of the Archdukes shall be overcome by force;' or it may mean, 'provided they can return with the consent of the inhabitants of Tuscany and Modena.'

I propose to discuss these two interpretations.

With regard to the general question of interference in the internal affairs of other countries, Her Majesty's Government hold that non-intervention is the principle on which the Governments of Europe should act, only to be departed from when the safety of a foreign State, or its paramount interests, require it.

But in the present instance, they maintain that neither the interests of Italy, nor the interests of Europe, nor the real interests of Austria or France, require foreign interference in the internal affairs of Italy.

The Treaty of Villafranca, as I have said, makes no provision for imposing a Government by force upon Tuscany or Modena, supposing the people of those Duchies to oppose the return of the Grand Duke of Tuscany and of the Duke of Modena.

A provision for the employment of French or Austrian forces, to put down the clearly expressed will of the people in Central Italy, would, in the opinion of Her Majesty's Government, not be justifiable.

The people of Tuscany, for instance, have the right which belongs to the people of every independent State, to regulate their own internal government. To interfere by force with the exercise of that right, would not be defensible on any principle of public law.

Neither the safety nor the paramount interests of Austria are menaced by the choice of a new Dynasty to reign over Tuscany. On the contrary, the restoration of the Grand

Duke of Tuscany or the Duke of Modena by foreign forces would be to return to that system of foreign interference which for upwards of forty years has been the misfortune of Italy and the danger of Europe. It may be added, that for the last ten years the same system has been a cause of weakness and peril to Austria. It has afforded vantage-ground to her enemies, and has alienated her friends.

Great Britain would, therefore, feel it to be her duty to protest against a Supplement to the Treaty of Villafranca of that nature, if any such were in contemplation.

She would equally protest against the practical application of foreign force to carry into effect the vague Article of the Preliminaries of Villafranca.

But it may be contended that when this Article was signed, the Emperor of Austria and the Emperor of the French contemplated the return of the Grand Duke of Tuscany and Duke of Modena, with the consent and approbation of the people of Tuscany and Modena. Taken in this sense, Her Majesty's Government have no objection to the return of the Archdukes.

You will read this despatch to Count Rechberg, and give him a copy of it.

I am, &c.
(Signed) J. RUSSELL.

TRANSLATION.

Vienna, August 25, 1859.

M. le Comte,—Her Britannic Majesty's Chargé d'Affaires read and gave me a copy of a despatch dated the 16th instant, in which the English Cabinet protest beforehand against any armed intervention to bring about the return of the Grand Duke of Tuscany and the Duke of Modena to their respective States. Non-intervention, writes Lord John Russell, is considered by the British Government as a principle which the Governments of

Europe should only depart from in case the security or the paramount interests of a foreign State should render it necessary. Now, according to this Minister, neither the interests of Italy nor those of Europe, nor the real interests of Austria or of France, require interference in the internal affairs of the Peninsula. The employment of Austrian or French military forces to put down the clearly-expressed will of the people of Central Italy would not appear to the British Government to be justifiable. The people of Tuscany, for instance, would have the right which belongs to the people of any independent State, to organize its Government. Neither the security nor the paramount interests of Austria would be menaced by the choice of a new Dynasty in Tuscany. Consequently the Cabinet of London would protest against any interpretation of the Article relating to it in the Preliminaries of Peace, in the sense of having recourse to arms to bring about the restoration of the Sovereigns of Tuscany and Modena; but should these Princes return to their States with the consent of their people, the British Government would not raise any objection to their return.

Such, M. le Comte, is the substance of the despatch of the Principal Secretary of State of Her Britannic Majesty, a copy of which I have the honour to transmit to you herewith for your own information.

The Imperial Cabinet does not find itself at present in a position to pronounce an opinion as to the manner in which the stipulation of the Preliminaries of Peace touching the restoration of the Archdukes could be carried out, the choice of means to be employed with this view necessarily depending on circumstances, and ultimately on an agreement to be made, with regard to these circumstances, between the expatriated Princes and the Contracting Parties of the Treaty of Villafranca. In reply to the declaration of the British Government, the Government of the Emperor

can only reserve to itself, with regard to future eventualities, its rights and its entire liberty of action.

As to the theories developed in the English despatch to serve as a basis to the protest of the Cabinet of St. James', they appear to us, and I have not thought it my duty to conceal it from Mr. Fane, to be based partly on a misconception of facts, partly on a starting-point too little defined to withstand a strict investigation.

Non-intervention, in our opinion, is not a principle, but a term expressing the denial of a simple fact. On the other hand, the law of nations, excepting when in a state of war, admits of a right of intervention by one country in the affairs of another in two special cases expressly mentioned in all the Treaties of International Law, namely: in the case when the Sovereign or the regular Government of a country asks for the armed intervention of another State, or when anarchy should prevail to such a degree in any nation that the security of the neighbouring States is thereby seriously menaced. If, for example, the Grand Duke of Tuscany should ask for the assistance of England in re-establishing his Government, she would, without doubt, have a right to interfere by force in Tuscany.

Lord John Russell makes allusion, on several occasions, to the true interests of Austria, but we regret not to find in the paper before us, any sign that the Cabinet of London takes account of the rights of succession and reversion of Austria upon Tuscany and the Duchies of Modena and Parma; rights, however, which England has solemnly guaranteed as one of the parties to the Act of the Congress of Vienna. The Imperial Government, moreover, thinks itself the only competent judge of the interests which it has to defend in this respect.

In protesting next against any interference on the part of Austria and France in the internal affairs of the Peninsula, the British Minister for Foreign Affairs seems to for-

get that Austria is an Italian Power by reason of her Italian Provinces.

The fact that the will of the people has been plainly declared in Central Italy, seems to us very open to dispute; for we hear it asserted, on the other hand, that the people, under the influence of terror, and oppressed by the revolutionary Governments, has no longer liberty to express its true sentiments. Besides, whatever may be the momentary current of public opinion in those countries,—and there would be nothing surprising in seeing it more or less misled by the concurrence of unfortunate circumstances which have weighed on those populations,—there is, above the opinion of the day, the question of right which statesmen ought to take into consideration before any other.

That every people has the right of choosing and organizing its Government, and consequently of upsetting the one which it has chosen and organized the day before, seems to us a dangerous and inadmissible maxim. I beg your Excellency to ask the Principal Secretary of State whether he purposes recognizing it in respect to the countries subject to the sceptre of Her Britannic Majesty,—in India and in the Ionian Islands. The opinion of the people has but recently been declared with peculiar clearness; and if Lord John Russell would apply to those populations who ask, the one for independence, the other for annexation to Greece, the principles which he recommends to us in regard to Italy, we should be in a position to judge, by the example of England, whether those ideas are more just and practical than we now believe them to be. People are only too much tempted to believe on the Continent that the British Government has two very different measures for its own affairs and for those of others; we believe that it is its interest to do away with this unfortunate opinion by frankly declaring that the expression of the wishes of the population has no more value at Florence than at Corfu.

Your Excellency is authorized to communicate this despatch to Lord John Russell, and to leave him a copy of it.

Receive, &c.

(Signed) RECHBERG.

Lord J. Russell to Earl Cowley.

Foreign Office, September 17, 1859.

My Lord,—It appears that there is not much expectation of a solution of the Italian difficulty by the Conferences at Zurich.

The most urgent case is undoubtedly that of the Duchies. With regard to a proposal mentioned by you to Count Walewski as originating with me in reference to the acceptance of the Sovereignty of Tuscany by the King of Sardinia, I will explain to you what occurred:—The Marquis d'Azeglio, the Sardinian Minister at this Court, stated to me the embarrassment felt by his Government in consequence of the Tuscan vote, and asked me what course I thought the King could pursue. I told him I could give no official advice: that if the King of Sardinia accepted the offer made to him, he might be involved in war with Austria; that if he refused, a state of anarchy might follow, which would bring on intervention, and probably a renewal of the war. We could not make ourselves responsible for either consequence. But, without giving official advice, I said that I would tell him what occurred to me. The King might say that the creation of a large kingdom in the north of Italy was a matter so much affecting the balance of power that he could not undertake the decision of such a question without European consent; but in the meantime he would be prepared to defend Tuscany against the danger of internal disorder. Count Walewski appears to fear that this last suggestion might be made a pretext for military occupation; but there is no

necessity for any such measure. Count Walewski must be aware that Mazzinians and Republicans of all kinds are endeavouring, under one disguise or another, to introduce anarchy into Central Italy. At one time they declaim against Sardinia; at another time they put forward the name of Prince Napoleon as a future King of Etruria.

The name of the King of Sardinia, the head of an ancient Monarchy, and the chief of a well-disciplined army, would of itself check the intrigues of desperate men, and preserve peace in Tuscany.

I have adverted in this despatch to a suggestion I made to the Marquis d'Azeglio not in an official form, but as a friendly communication. Count Walewski will, I am sure, understand the nature of such communications, which are not unusual. But it may be as well to caution him against treating as official any proceeding which does not assume the official form, and is not the deliberate expression of the views of Her Majesty's Government.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

Foreign Office, September 17, 1859.

My Lord,—As the question of an European Congress is likely to be brought under the consideration of Her Majesty's Government in a practical shape, and perhaps very shortly, it is very desirable to ascertain as far as possible the questions which may be discussed at that Congress.

That Austria, Russia, and Prussia should refuse to recognize any Sovereign of Tuscany, other than the Archduke Ferdinand, is to be expected, but that refusal would not prevent a settlement. Austria and Russia, for a very long time, refused to recognise Queen Isabella of Spain;

but she reigned, nevertheless, and subdued the rebels who questioned her title. Spain, for a century, refused to recognize the Republic of the United Provinces; but that Republic was, nevertheless, one of the most powerful of the European States.

The pressing question is to know whether the use of force is contemplated, as at Laybach and Verona, to prescribe the form of government and dictate the name of the Sovereign in Tuscany and Modena.

The Memorandum signed separately by the two Emperors at Villafranca leaves this point undetermined. Had the Article said, 'The Grand Duke of Tuscany and the Duke of Modena shall be restored, and if necessary the forces of the High Contracting Parties shall be used for that purpose;' or had it said, 'The Grand Duke of Tuscany and the Duke of Modena shall return to their states, provided they can return without the employment of French or Austrian forces,' the meaning would have been clear. But it is impossible to rely on the accounts which are given of the verbal explanations which took place at Villafranca. Be they, however, what they may, Great Britain is entirely free from these engagements, and Her Majesty cannot send a Minister to a Congress where any sanction is to be given or required to a proposal to impose by force a Government or Constitution on Tuscany or Modena, or any part of Central Italy.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Mr. Elliot.

(Extract.) Foreign Office, January 16, 1860.

It may be as well to explain still further to Prince Satriano, and through him to the King, the policy of the British Government.

Your language to his Excellency on this subject is entirely approved by Her Majesty's Government. We wish well to the Neapolitan Dynasty. We have no desire to interfere with the internal government of Naples and Sicily. But we cannot blind ourselves to some obvious truths. It is evident that the commonest rules of justice are not observed by the King of Naples towards his subjects; that the exasperation caused by oppression is the parent of plots, assassinations, conspiracies, and insurrections; that Her Majesty's Agents and Consuls, while they religiously abstain from taking a part in such plots, have had convincing evidence of their existence.

Should such conspiracies endanger the Throne of his Sicilian Majesty, Her Majesty's Government can only lament the blindness which afflicts his Council. But Her Majesty's Government will neither accept any part of their responsibility, nor undertake to ward off the consequences of a mis-government which has scarcely a parallel in Europe.

The reforms necessary require no elaborate machinery or profound meditation. Let the Neapolitan Government arrest no man without bringing him to trial face to face with his accusers. Let them subject no man to injurious restrictions without proof of some crime or offence against public order; let the law, as it stands, be equally applied to all. With these simple but broad changes, a beginning would be made; popular institutions might follow; time for deliberation would be gained, and the Government might even obtain a reputation for justice and honesty. But the course at present pursued can only lead to destruction.

You will speak to Prince Satriano in the sense of this despatch, and also to M. Carafa if he should raise the question with you.

INCLOSURE.

Vice-Admiral Sir A. Fanshawe to the Secretary to the Admiralty.

'Marlborough,' at Malta, May 12, 1860.

Sir,—With reference to the sixth paragraph of my letter of the 7th instant, acquainting you, for the information of the Lords Commissioners of the Admiralty, that the 'Intrepid,' on being relieved by the 'Scylla,' would proceed to Palermo, and return to Malta, calling at Trapani, Marsala, and Girgenti, on her way;

2. I have the honour to request you will be pleased to inform their Lordships that the 'Intrepid' arrived at Marsala yesterday, meeting the 'Argus' there, which sloop had been sent by Captain Cochrane to remain a few days, in consequence of the Vice-Consul and British residents having been called upon to deliver up their arms, for the purpose of affording them any protection that might be necessary; and the 'Intrepid' has just arrived here bringing me the intelligence that about 4 P.M. yesterday, whilst Commander Marryat was on shore at Marsala, learning from the Acting Vice-Consul the state of the town and country, two small merchant-steamers, under Sardinian colours, steamed rapidly in, and threw on shore, with the assistance of boats from the place, large bodies of armed Italian soldiers, who quickly moved up and took possession of the town without any opposition, there being no troops in the place, and were well received by the population.

3. Commander Marryat reports the force landed to consist of 2,000 men under General Garibaldi. I inclose a copy of his letter of proceeding for their Lordships' information.

I have, &c.

(Signed) ARTHUR FANSHAWE.

Mr. Elliot to Lord J. Russell.

(*Received May 22.*)

(Extract.) Naples, May 14, 1860.

In the account of the landing of the expedition at Marsala, your Lordship will observe that it is stated by M. Carafa that the fire of the Neapolitan men-of-war was impeded by two British vessels, but that it is not said that they were men-of-war, as was intimated in the first account which I heard.

I took the earliest opportunity of seeing M. Carafa to inquire into the matter, when his Excellency, by the King's desire, put into my hands the original despatch that had been received, and from which it neither appeared that the steamers were men-of-war, nor that they had intentionally placed themselves so as to cover the landing.

This telegraphic despatch simply announced to the Government that a landing had been effected at Marsala, and then added the words embodied in the communication from M. Carafa.

Lord J. Russell to Sir J. Hudson.

(Extract.) Foreign Office, May 22, 1860.

The Government of Sardinia is bound to that of the Two Sicilies by Treaties of Peace and Amity. Similar relations, newly consigned to a solemn Treaty at Zurich, subsist between Sardinia and Austria.

Austria has assured Her Majesty's Government, more than once, and in various forms, that she looks only to defence, and will not attack Sardinia or any other Power.

On the other hand, Sardinia could hardly hope to be successful against Austria, still less against Austria and Naples combined, without the aid of France.

I will not disguise from Count Cavour that reports are

prevalent that, in the event of any further acquisition of territory by Sardinia, either in the Italian Peninsula or by the annexation of Sicily, France would demand, and the Sardinian Government would make, the cession to France of Genoa, or of the Island of Sardinia, either of one or both. The cession of Genoa to France would be utterly destructive of the independence of Italy. The cession of the Island of Sardinia would be a serious derangement of the balance of power in the Mediterranean.

But I will go farther, and say that the further augmentation of the French territory could not be seen with indifference by Europe.

You are, therefore, instructed to ask Count Cavour, first, to declare that Sardinia will not commit any act of aggression against Austria, or the Kingdom of the Two Sicilies; secondly, to bind the Government of Sardinia not to yield any territory to France beyond that which has been given away by the Treaty of Turin of March 24, 1860.

I can say little in this place of the Roman States. Her Majesty's Government are not informed with precision of the relations now existing between the Pope and the King of Sardinia; but, so long as the Pope's forces do not invade Emilia or Tuscany, Her Majesty's Government consider that Sardinia is bound to maintain a defensive attitude.

Lord J. Russell to Sir J. Hudson.

Foreign Office, May 26, 1860.

Sir,—You are instructed to deliver the inclosed note to Count Cavour.

I am, &c.

(Signed) J. RUSSELL.

INCLOSURE.

Note to be presented by Sir J. Hudson to Count Cavour.

M. le Comte,—Her Majesty's Government, anxious to preserve the peace of Europe, and prevent new dangers to the balance of power, have instructed me to say that in their opinion the Government of the King of Sardinia will greatly contribute to these ends—firstly, if they will declare that Sardinia will not commit any act of aggression against Austria, or against the Kingdom of the Two Sicilies; secondly, if they will agree to bind Sardinia not to cede or yield any territory to France beyond and in addition to those territories which have been ceded by the Treaty of Turin of March 24, 1860.

I have, &c.

INCLOSURE.

Vice-Admiral Martin to the Secretary to the Admiralty.

'Marlborough,' at Malta, June 2, 1860.

My Lord,—I have the honour to request you will inform the Lords Commissioners of the Admiralty that the arrival of the 'Intrepid' this morning has placed me in possession of despatches to the 31st ultimo from Rear-Admiral Mundy, senior officer at Palermo.

2. Sir A. Fanshawe has already reported to their Lordships that General Garibaldi had succeeded in gaining possession of the city of Palermo, which was being bombarded by the Royal forces.

3. It appears that the latter still hold the citadel, the palace, and the treasury, but between these positions there can be no communication, as they are surrounded by the insurgents. The city continues otherwise in the hands of

Garibaldi, but as a large reinforcement of troops had arrived from Naples, Admiral Mundy considered a grand effort would shortly be made to dislodge the General.

4. General Lanza, the Commander-in-Chief of the Neapolitan troops, urged the Rear-Admiral to receive two General Officers on board for the purpose of having an interview with him. After several communications had passed on the subject, it was arranged that a cessation of hostilities should take place for twenty-four hours, and a conference be held on board the 'Hannibal' between the Neapolitan Generals on the one side, and Garibaldi on the other.

5. The result of the conference was that a further truce of three days was acceded to (which will expire at noon to-morrow) and a Neapolitan steamer was despatched to Naples for instructions. In this conference Admiral Mundy took no part.

6. The Neapolitan vessels of war at Palermo consist of one frigate, four steam-sloops, and nine armed packets. I learn that they are in want of provisions, stores, and coal. One of the Generals who took part in the conference has since sought and obtained an asylum on board the 'Hannibal.'

7. It appears to me that Admiral Mundy, in allowing General Garibaldi and the Neapolitan officers to meet on board his flag-ship, acted in a manner perfectly consistent with his character as a neutral officer, and the measure was calculated to produce good effects; but as he has expressed anxiety as to the responsibility he took upon the occasion, I have thought it right to state my opinion on the subject to him. I trust it will be approved by their Lordships.

8. I transmit with this the Rear-Admiral's letters of proceedings.

9. The 'Intrepid's' shaft is so defective as to make it,

in the opinion of the Superintending Engineer, safe for her to steam only at reduced speed of seven knots. I have ordered this defect to be made good, and she will be ready to return to Palermo on the 6th instant. In the meantime the 'Caradoc' will be sent to Admiral Mundy, in order that he may not be left without the means of rapid communication. The 'Racoon' arrived last evening, and she will be prepared immediately for sea, and sent to join Admiral Mundy, in case the presence of a ship of war should be required at any of the Sicilian ports in which there are none stationed.

10. Commander Marryat, of the 'Intrepid,' reports that up to yesterday the town of Trapani had not been attacked, but the surrounding country was in the hands of the insurgents.

11. At Marsala there were landed yesterday, for Garibaldi, 80 or 100 men, 3,000 muskets, and 100,000 ball-cartridges. The steamer bringing them continued in port under Sardinian colours. Commander Marryat was informed that 1,000 more men were shortly expected under Medici. This intelligence has been confirmed from other sources.

12. From Girgenti a body of Royal troops, 2,400 strong, had left, supposed for Catania. Upon their departure the Sardinian flag was displayed in the town, and a Committee was formed for the government of the place. General Garibaldi has since approved of their proceedings. The town remained perfectly quiet.

I have, &c.

(Signed) W. F. MARTIN.

INCLOSURE.

Rear-Admiral Mundy to Vice-Admiral Sir A. Fanshawe.

'Hannibal,' at Palermo, May 29, 1860.

Sir,—At 4 A.M. on the 27th instant, Garibaldi attacked the city at Port Antonino, on the eastern side. His force consisted of his own Italian band, about 1,000 strong, and the armed peasants of the villages around, amounting altogether to 4,000 or 5,000 men."

2. By 8 A.M. he was in possession of the main streets, which were forthwith barricaded; and by noon had carried the head-quarters of the Neapolitans, the troops retiring into the palace and the citadel of Castellamare.

3. The forts and the ships of war in the bay immediately commenced bombarding the city, throwing in shot, shell, grape, and canister, with such rapidity that many buildings, both public and private, were shortly in flames, and the destruction of property soon became general, without in any way diverting the inhabitants, who had now risen *en masse* in every quarter of the city, from their work of barricading the streets.

4. It was a painful sight to witness so wanton an attack on the edifices of a great city, shot and shell being thrown in indiscriminately by the frigate 'Parthenope,' and paddle-steamers moving leisurely along abreast of the Marina, at the distance of a few hundred yards.

5. I had already remonstrated most strongly with the Royal Commissioner, both personally and by letter to his Excellency of the 25th instant (to which I beg leave to refer), against the intended bombardment, and I am gratified to think that I have placed on record my protest against an act so discreditable to the Royal authorities.

6. At 8 A.M. on the 28th instant Captain Cossovich, of

the Neapolitan frigate 'Parthenope,' came on board and showed me a telegraphic message he had just received from the palace from General Lanza, desiring him to ask me to send him some despatches that had arrived from Messina, and also to beg me to receive two General officers on board the 'Hannibal,' in order that they might hold a conference with me; and that if I would do so he would suspend the firing upon the Toledo. (The despatches alluded to were received on the previous day by an English steamer, and delivered immediately to the captain of the Neapolitan frigate.)

7. On reading this telegram I said at once to Captain Cossovich, 'This is asking my mediation; however, you may telegraph back that I cannot send General Lanza the letters, as I have no communication with the town, but I shall be glad to see the two Generals.'

8. At eleven o'clock Captain Cossovich came on board a second time, and showed me another message from General Lanza, saying that the two Generals, in order to pass through the city, had need of the safeguard of the British flag. To this I replied that I would consider the matter. The captain went away, but such was his anxiety that he returned to me a third time, and begged another interview, when I informed him that I had already stated in my first response that I had no communication with the town, but that, in order to prevent this ruthless bombardment, I would afford the safeguard of the British flag from the Mole to the ship, and that I would endeavour to ascertain where General Garibaldi was, and, if near at hand, would acquaint him with General Lanza's request, and that if then General Garibaldi should think fit to give the two Generals an escort to Porto Felice I would take charge of them subsequently; 'but,' I added, 'you must, in this case, at once stop the bombardment from the ships under your command.' In this proposition the Neapolitan captain

willingly acquiesced, and faithfully carried it out during the day.

9. Captain Cossovich told me next day that as the messages were forwarded by semaphore from the palace to the fort it was difficult to send lengthened reports, and on his entreating me to act at once, I placed in his hands a written statement, in English and Italian, of what I was willing to do, by way of arriving at an accommodation, and which would be a proof of perfect neutrality between myself and the contending parties. I then expressed my astonishment at the continued bombardment of the city, after I had declared my willingness to receive the Generals for a conference.

10. Captain Cossovich having consented to the message I was to send to General Garibaldi, I immediately despatched Flag-Lieutenant Wilmot to his head-quarters, which he found in the centre of the town. The General expressed himself ready to give escort to the two Generals to the Mole.

11. I must here mention that, whilst the Neapolitan captain was endeavouring to negotiate with me, Captain Lefèvre, of the French steam-frigate 'Vauban,' and Captain Palmer, of the United States' steamer 'Iroquois,' came on board to consult me on the present serious aspect of affairs. Each showed me letters which their respective Consuls had received from Garibaldi, begging them to endeavour to stop the bombardment, which was harmless to the combatants, but was destroying the buildings, and killing women and children. Her Majesty's Consul had also received a letter of similar purport. Captains Lefèvre and Palmer were ready to join in another protest, but such a step I considered useless, and could not recommend it.

12. I mentioned, however, that I was already in communication with the Senior Neapolitan Naval Officer on the subject of the bombardment by sea.

13. At 7 P.M. I received a message from General Lanza to the effect that he was much obliged to me for what I had done, but that all he wanted was the protection of the British flag.

14. This artifice I had suspected from the first, but after a bombardment which had already destroyed several of the finest buildings in the city, and which, if persisted in, threatened to demolish much valuable property belonging to British subjects, I considered it my imperative duty not altogether to disregard the advances which had been made to me by General Lanza, to endeavour to put a stop to the firing by mutual accommodation.

15. It will be well here to add that the bombardment had been commenced without the two hours' notice promised by General Lanza, and this breach of faith had not only prevented any steps being taken to remove the property of the British residents to a place of security, but had also rendered it impossible for me to provide for the personal safety of the oldest British subject in the place, the heavy fire in the direction of his residence effectually cutting off all approach to it without endangering life.

16. This morning an officer of the Royal Engineers, in command in the citadel, was sent to me with another telegraphic message from General Lanza, inviting me once more to receive the two Generals on board, and again proposing a suspension of the firing on both sides.

17. I considered that I had already done all in my power, without compromising the neutrality of the British flag, to bring about a cessation of this cruel bombardment, but I authorised the Neapolitan officer to telegraph to the Royal Commissioner that I was ready still to receive the two Generals, and convey them in my boat to the ship, provided Garibaldi would give them an escort to the Mole. To this last communication there has as yet been no reply.

18. The state of affairs at present is as follows:—

19. The Royal troops hold the Citadel, the Palace, and the Finanze, but these positions are surrounded by the insurgents, and there can be no communication between them. The whole city is otherwise in the hands of Garibaldi, but as fresh troops have arrived from Naples, and amongst them a Bavarian regiment, about 800 strong, I conceive that a grand effort will be made to-morrow to dislodge the insurgents, and it will be wonderful if the latter can resist the immense numbers of disciplined troops that can be brought against them.

20. I am aware of the grave responsibility which I have taken upon myself in entertaining these several propositions, but I felt that as the overtures toward a discontinuance of the firing on both sides had emanated from the Royal Head-Quarters, uninvited by me, I should not have been justified in leaving British property of immense extent and value to be totally destroyed without an effort on my part to prevent it.

21. I might certainly have sheltered myself from all responsibility by a statement that I had no instructions, but finding myself suddenly placed in a position of great emergency, I adopted those measures which I considered most judicious and most humane, and which I trust may be approved of by my Lords Commissioners of the Admiralty and by Her Majesty's Government.

I have, &c.

(Signed) G. RODNEY MUNDY.

Earl Cowley to Lord J. Russell.

(*Received July 26.*)

(Extract.) Paris, July 24, 1860.

His Excellency (M. Thouvenel) went on to argue that a declaration of the Governments of England and France, that they would not permit Garibaldi to land within the

Neapolitan dominions would not amount to intervention in the internal concerns of Italy. Sicily would be left free to choose her own form of government; that is, as free as she could be in the presence of Garibaldi and his armed bands. So with regard to Naples: if an insurrection should take place against the King's authority, France would not wish to interfere. Let the people depose the King if they pleased; but let it be done by the Neapolitans themselves, and not by foreigners. Sardinia, also, should be invited to abstain from any direct interference in Sicily until the Sicilians should have declared their wishes.

M. Thouvenel repeated, that he participated in all your Lordship's apprehensions of what might ensue in Italy were Garibaldi to get possession of Naples. He was quite convinced that, with the exception of the city of Rome, which the Emperor was determined to defend for the Pope, Italy would be overrun by Garibaldi's forces; and that it would soon be neither in the power of M. de Cavour, or of anyone else, to prevent an attack upon Venetia.

I have, &c.

(Signed) COWLEY.

Lord J. Russell to Earl Cowley.

Foreign Office, July 26, 1860.

My Lord,—The French Ambassador read to me yesterday a despatch which he had received from M. Thouvenel, and of which the following is the substance:—

After acknowledging the communication made to him by your Excellency in pursuance of my despatch to you of the 23rd instant in regard to the affairs of Italy, M. Thouvenel proceeded to state that the French Government had for some months past viewed with anxiety the dangers to which I instructed you to call their attention.

It could not be doubted that the end of the present Italian agitation would be an attack on Venetia. The French Government had already declared to the Government of Sardinia that they declined all responsibility in regard to the consequences of a policy which was neither in accordance with their own views nor with their sense of right; but it would be folly to believe that at the last moment the progress of events could be arrested, and hence the anxiety of France to induce Her Majesty's Government to join in endeavouring to secure for six months a truce which should be binding on all parties, and would thus leave the question of the future destiny of those parties to be solved some time hence.

The position of affairs had, however, become more urgent since M. de Persigny had been first instructed to speak to me on the subject, for the Neapolitan troops had in fact evacuated their strongholds in Sicily; Garibaldi was master of the whole island, and was expected to make an immediate descent on the mainland; alarm reigned at Naples, from whence a flight to Gaeta was already contemplated. It was not a question of interfering between a Sovereign and his subjects, but was simply this: would France and England assist, without doing anything to modify, the course of events which threatened the severest blow to the European equilibrium; would they suffer a country with which they maintained the usual relations to be invaded by an army composed of revolutionary elements and of foreigners; and would they allow outrage to interfere with the constitutional experiment to which the King Francis II. had so loyally submitted?

M. Thouvenel then proceeded to say that his Government did not think that France and England, with a due regard for their own interests and dignity, could submit to remain passive spectators of such events, and that he had, therefore, said to your Excellency, as you report in

your despatch of the 24th instant, that under present circumstances he thought it indispensable that the Commanders of our naval forces should at once be authorised to declare to General Garibaldi that they had orders to prevent him from crossing the Strait. The internal policy of Sicily and of the mainland would thus be reserved for consideration, but we should announce that no foreign assistance should be allowed to intervene in the settlement of the question between King Francis II. and his Neapolitan subjects.

Having consulted the Cabinet upon the contents of this communication, I informed M. de Persigny that Her Majesty's Government were of opinion that no case had been made out for a departure on their part from their general principle of non-intervention.

That the force of Garibaldi was not in itself sufficient to overthrow the Neapolitan Monarchy.

If the navy, army, and people of Naples were attached to the King, Garibaldi would be defeated; if, on the contrary, they were disposed to welcome Garibaldi, our interference would be an intervention in the internal affairs of the Neapolitan Kingdom.

It could not be concealed that some of the nominations of the King gave reason to fear his want of steadiness in a constitutional course. That if France and England should stop Garibaldi, and a counter-revolution should take place, we should render ourselves responsible for the evils that might ensue.

If France chose to interfere alone, we should merely disapprove her course, and protest against it. In our opinion the Neapolitans ought to be the masters, either to reject or to receive Garibaldi. The Neapolitan navy, if faithful to the King's cause, would protect his dominions from invasion. But we could not deny that the young King must be liable to suspicion from the inherit-

ance he had derived from his father of a character for tyrannical rule and repeated breaches of faith.

I felt confident that even if Naples and the Roman States rose at the summons of Garibaldi, that General would not attack Rome while it was held by a French army which had made itself respected by its discipline and good conduct; nor would the King of Sardinia attack Austria in her Province of Venetia, if the Emperor of the French should refuse his support to so wanton an act of aggression.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Sir J. Hudson.

Foreign Office, August 31, 1860.

Sir,—Although the note of Count Cavour of May 30, written in answer to one which you were instructed to present to him, did not give so definite and precise a declaration of intentions as Her Majesty's Government hoped and expected, they have not thought it necessary to continue the discussion. For they conceived that, in substance, that note disavowed any intention of attacking the dominions of the Emperor of Austria or the King of Naples, and bound the King of Sardinia not to cede to France any Italian territory; including, of course, the Island of Sardinia itself in that public engagement. I say public engagement, because Count Cavour referred you in his note to the speech he made in the Chamber of Deputies on May 26, in the name of the King's Government.

But, although Austria, France, and Great Britain have abstained from any interference in Sicily or Naples, there exists at Paris as well as at Vienna an apprehension that the union of the Neapolitan and Roman States under the King of Sardinia would be followed by an attack by Italian forces on the Venetian Province of the Emperor of Austria. It is obvious that no such attack could be made

by an army without the consent of the King of Sardinia. It is also clear that, in point of right, the King of Sardinia has no excuse for violating the Treaty of Zurich, so recently signed and ratified. The King of Sardinia was free to refuse the Preliminaries of Villafranca and the Peace of Zurich. But having declined to continue the war, and having given his Royal word to maintain peace and friendship with Austria, he is not at liberty to set his obligations at defiance, and to make a wanton aggression on a neighbouring Sovereign.

It is evident also that motives of interest coincide in this case with dictates of duty. An attack on the Austrian army posted in strong fortresses is not an enterprise in which success could reasonably be expected.

But such an attack, if unsuccessful, would give Austria an opportunity, of which perhaps she would not be sorry to avail herself, of restoring Romagna to the Pope, and Tuscany to the Grand Duke. It is believed, on good grounds, that France would not consider either of these acts inconsistent with the Treaty of Zurich. But they would obviously expose the independence of Italy and its future peace to the greatest hazards. Nor would the King of Sardinia, having acquired Lombardy, Parma, and Modena, but having lost Savoy, Nice, Tuscany, and Romagna, find himself in a situation to cope with Austria, fighting in a just cause to maintain her violated territory and restore her military honour.

The only chance which Sardinia could have in such a contest would be the hope of bringing France into the field, and kindling a general war in Europe. But let not Count Cavour indulge in so pernicious a delusion. The Great Powers of Europe are bent on maintaining peace, and Great Britain has interests in the Adriatic which Her Majesty's Government must watch with careful attention. From such dangers the Ministers of the King of Sardinia

may preserve Europe by a strict adherence to the policy intimated in Count Cavour's note of May 30. Her Majesty's Government desire no more than a faithful adherence to its promises. They are willing to make allowance for those feelings and demonstrations to which Count Cavour alludes as transgressing the limits of the Law of Nations, and evading the restraining powers of municipal authorities. Indeed, this indulgence on the part of Great Britain has, in the opinion of many of the Courts of Europe, been already carried too far. But, whatever may be the case as to expeditions by sea, setting out often at night, and supplied by boats from villages on the coast, it is abundantly clear that no army can violate the Austrian frontier without the express order of the King.

These considerations appear to us to merit the serious attention of the Sardinian Cabinet.

You are instructed to read and give a copy of this despatch to Count Cavour.

I am, &c.
(Signed) J. RUSSELL.

Earl Cowley to Lord J. Russell.

(*Received September 22*)

Paris, September 21, 1860.

My Lord,—Although the events which are passing in Central Italy speak for themselves, I may as well state that when I informed M. Thouvenel that I had taken upon myself to contradict the information which had reached Her Majesty's Government that the Imperial Government had promised the Papal army their assistance against Sardinian aggression, his Excellency said that I had done quite right. He added, that although the French garrisons at Rome and Civita Vecchia had been considerably augmented, yet they were not more numerous than was

requisite for the defence of those places. The nominal strength was 11,000 men, which would not furnish above 10,000 combatants, a force too small to take the field.

I have, &c.

(Signed) COWLEY.

Lord J. Russell to Earl Cowley.

Foreign Office, September 22, 1 60.

My Lord,—With reference to your Excellency's despatch of the 12th instant, I have to remark that you have now had instructions to give a copy of my despatch of the 7th instant to M. Thouvenel.

His remarks on that despatch leave little room for comment. Her Majesty's Government certainly cannot look upon Garibaldi, a Sardinian General, and a Member of the Parliament of Turin, as a foreign adventurer; Garibaldi and Medici and Cosenza and Bixio, the leaders of the expedition to the Neapolitan territory, are all Italians, and their object has been to free Italy from all foreign interference. Even if Garibaldi were esteemed a firebrand, the materials were prepared for combustion. A firebrand on wet grass would be speedily extinguished, but if it falls on a barrel of gunpowder an explosion must ensue.

With regard to Lombardy, I have nothing to add to my former argument.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

Foreign Office, September 22, 1860.

My Lord,—It appears from your Excellency's despatch of yesterday that the French Government have determined to reinforce the French troops that now form the garrison of Rome, and Her Majesty's Government conclude that

this step is to be taken with a view more effectually to protect the person and the Government of the Pope from dangers to which it is conceived they may be exposed.

Her Majesty's Government regret that the French occupation of Rome ever took place, and that none of the many opportunities which have occurred for putting an end to it have been taken advantage of. Her Majesty's Government, however, hope that the French occupation will continue to be confined, as hitherto, to the city of Rome and its immediate neighbourhood. But Her Majesty's Government trust that, before long, some better and more legitimate means may be found for relieving the Pope from the danger to which his governing authority, though not his respected person, continues to be exposed, by reason of the deeply-rooted discontent with which the system of government carried on in his name has inspired the minds of the people subjected to his sway.

The French military force in the city of Rome occupies a most commanding position, and the reinforcements now about to be sent thither are a practical admission on the part of the Government of France that if the subjects of the Pope were left free to act for themselves, with such assistance as they might receive from their fellow-countrymen in other parts of Italy, they would soon relieve themselves from the oppressions under which they have so long and so grievously laboured.

Henceforward, therefore, the French Government will, by its own confession, recorded in facts, which are stronger than words, become solely responsible for maintaining in the territory which will continue to be subject to the Pope, a system of government which makes its subjects discontented and unhappy. Her Majesty's Government would entreat, therefore, the Government of France well to consider whether it is consistent with its own high character and its enlightened policy that the strong arm of France

should be stretched out to maintain power and authority which have been so greatly misused.

It is impossible to suppose that while the Government of the Pope is entirely dependent upon the presence and support of a large French garrison for its continued existence, the earnest and well-enforced counsels of France would not lead, and without delay, to such reforms and improvements in the frame of government and system of administration at Rome as would put an end to some of the worst grievances of which the Pope's subjects so justly complain. For instance, would it not be easy to clear the prisons once every month of all untried prisoners—either bring to open trial, or discharge as innocent, the persons therein confined?

It is to be observed that, while the practical administration of the Pope is confessedly bad, the theory upon which the French occupation rests is obviously untenable. The Roman Catholics throughout the world, it is said, require that the Pope should exercise an independent power; and therefore, it seems, he must be placed in a position in which he is entirely dependent on the troops of a foreign Sovereign. His independence is thus made to rest on his being guarded day and night by the arms of France; nor is there any prospect of a termination of this humiliating attitude.

If such be the Pope's condition, it would be far better that his person should be protected by the troops of an Italian Sovereign, who would respect his spiritual authority, and give relief to his temporal subjects.

I wish you to place in M. Thouvenel's hand a copy of this despatch.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Mr. Elliot.

Foreign Office, October 24, 1860.

Sir,—I transmit to you herewith a copy of a letter which I have caused to be addressed to the Lords Commissioners of the Admiralty, requesting that instructions may be sent to Rear-Admiral Mundy to place a ship of war at the disposal of the King of the Two Sicilies, in the event of His Majesty or any of the Royal Family expressing a wish to quit Gaeta, and be conveyed out of the Neapolitan dominions.

I am, &c.
(Signed) J. RUSSELL.

Lord J. Russell to Count Ludolf.

Foreign Office, October 24, 1860.

M. le Comte,—I have the honour to send you some remarks upon the Memorandum which you did me the honour to transmit to me on the 20th instant.

I am, &c.
(Signed) J. RUSSELL.

INCLOSURE.

Memorandum.

The Memorandum which has been transmitted to the various Courts of Europe, on the part of the King of the Two Sicilies, after affirming that he is in danger of falling, affirms, that with his fall a new era for Europe is about to open; that ancient Treaties are abolished; a new public law is consecrated; the world learns, 'by our example, that it is permitted to the adventurers of the Revolution, not only to attack in arms the Thrones the best established, but to navigate freely, with their vessels, the Mediter-

ranean Sea, where all the nations of the globe have their commercial and political interests.'

In protesting against the acts of Garibaldi, and the attack of the King of Sardinia, the King declares that he shall, perhaps, be forced to quit the Monarchy which he held 'from God, his right, and the love of his people.'

It is, however, perfectly clear, that if the King of the Two Sicilies had not been misled by bad advisers, Garibaldi could not, with 2,000 men, have overthrown the Monarchy.

No force of Treaties, no ancient right, no armaments by sea and land, can protect the Throne of a Sovereign whose counsellors rely for safety rather on arbitrary and cruel punishments than on the affections of the people. This is the example which has been afforded by the recent astonishing revolutions in Naples and Sicily.

Lord J. Russell to Sir J. Hudson.

Foreign Office, October 27, 1860.

Sir,—It appears that the late proceedings of the King of Sardinia have been strongly disapproved of by several of the principal Courts of Europe. The Emperor of the French, on hearing of the invasion of the Papal States by the army of General Cialdini, withdrew his Minister from Turin, expressing at the same time the opinion of the Imperial Government in condemnation of the invasion of the Roman territory.

The Emperor of Russia has, we are told, declared in strong terms his indignation at the entrance of the army of the King of Sardinia into the Neapolitan territory, and has withdrawn his entire Mission from Turin.

The Prince Regent of Prussia has also thought it necessary to convey to Sardinia a sense of his displeasure; but he has not thought it necessary to remove the Prussian Minister from Turin.

After these diplomatic acts, it would scarcely be just to Italy, or respectful to the other Great Powers of Europe, were the Government of Her Majesty any longer to withhold the expression of their opinion.

In so doing, however, Her Majesty's Government have no intention to raise a dispute upon the reasons which have been given, in the name of the King of Sardinia, for the invasion of the Roman and Neapolitan States. Whether or no the Pope was justified in defending his authority by means of foreign levies; whether the King of the Two Sicilies, while still maintaining his flag at Capua and Gaeta, can be said to have abdicated—are not the arguments upon which Her Majesty's Government propose to dilate.

The large questions which appear to them to be at issue are these:—Were the people of Italy justified in asking the assistance of the King of Sardinia to relieve them from Governments with which they were discontented? and was the King of Sardinia justified in furnishing the assistance of his arms to the people of the Roman and Neapolitan States?

There appear to have been two motives which have induced the people of the Roman and Neapolitan States to have joined willingly in the subversion of their Government. The first of these was, that the Governments of the Pope and the King of the Two Sicilies provided so ill for the administration of justice, the protection of personal liberty and the general welfare of their people, that their subjects looked forward to the overthrow of their rulers as a necessary preliminary to all improvement in their condition.

The second motive was, that a conviction had spread since the year 1849, that the only manner in which Italians could secure their independence of foreign control was by forming one strong Government for the whole of Italy.

The struggle of Charles Albert in 1848, and the sympathy which the present King of Sardinia has shown for the Italian cause, have naturally caused the association of the name of Victor Emmanuel with the single authority under which the Italians aspire to live.

Looking at the question in this view, Her Majesty's Government must admit that the Italians themselves are the best judges of their own interests.

That eminent jurist Vattel, when discussing the lawfulness of the assistance given by the United Provinces to the Prince of Orange when he invaded England, and overturned the throne of James II., says, 'The authority of the Prince of Orange had doubtless an influence on the deliberations of the States-General, but it did not lead them to the commission of an act of injustice; for when a people from good reasons take up arms against an oppressor, it is but an act of justice and generosity to assist brave men in the defence of their liberties.'

Therefore, according to Vattel, the question resolves itself into this:—Did the people of Naples and of the Roman States take up arms against their Governments for good reasons?

Upon this grave matter Her Majesty's Government hold that the people in question are themselves the best judges of their own affairs. Her Majesty's Government do not feel justified in declaring that the people of Southern Italy had not good reasons for throwing off their allegiance to their former Governments; Her Majesty's Government cannot, therefore, pretend to blame the King of Sardinia for assisting them. There remains, however, a question of fact. It is asserted by the partizans of the fallen Governments that the people of the Roman States were attached to the Pope, and the people of the Kingdom of Naples to the Dynasty of Francis II., but that Sardinian

Agents and foreign adventurers have by force and intrigue subverted the thrones of those Sovereigns.

It is difficult, however, to believe, after the astonishing events that we have seen, that the Pope and the King of the Two Sicilies possessed the love of their people. How was it, one must ask, that the Pope found it impossible to levy a Roman army, and that he was forced to rely almost entirely upon foreign mercenaries? How did it happen, again, that Garibaldi conquered nearly all Sicily with 2,000 men, and marched from Reggio to Naples with 5,000? How, but from the universal disaffection of the people of the Two Sicilies?

Neither can it be said that this testimony of the popular will was capricious or causeless. Forty years ago the Neapolitan people made an attempt regularly and temperately to reform their Government, under the reigning Dynasty. The Powers of Europe assembled at Laybach resolved, with the exception of England, to put down this attempt by force. It was put down, and a large foreign army of occupation was left in the Two Sicilies to maintain social order. In 1848 the Neapolitan people again attempted to secure liberty under the Bourbon Dynasty, but their best patriots atoned, by an imprisonment of ten years, for the offence of endeavouring to free their country. What wonder, then, that in 1860 the Neapolitans, mistrustful and resentful, should throw off the Bourbons, as in 1688 England had thrown off the Stuarts?

It must be admitted, undoubtedly, that the severance of the ties which bind together a Sovereign and his subjects is in itself a misfortune. Notions of allegiance become confused; the succession of the Throne is disputed; adverse parties threaten the peace of society; rights and pretensions are opposed to each other, and mar the harmony of the State. Yet it must be acknowledged on the other hand, that the Italian revolution has been con-

ducted with singular temper and forbearance. The subversion of existing power has not been followed, as is too often the case, by an outburst of popular vengeance. The extreme views of democrats have nowhere prevailed. Public opinion has checked the excesses of the public triumph. The venerated forms of Constitutional Monarchy have been associated with the name of a Prince who represents an ancient and glorious Dynasty.

Such having been the causes and concomitant circumstances of the revolution of Italy, Her Majesty's Government can see no sufficient ground for the severe censure with which Austria, France, Prussia, and Russia have visited the acts of the King of Sardinia. Her Majesty's Government will turn their eyes rather to the gratifying prospect of a people building up the edifice of their liberties, and consolidating the work of their independence, amid the sympathies and good wishes of Europe.

I am, &c.

(Signed) J. RUSSELL.

P.S.—You are at liberty to give a copy of this despatch to Count Cavour.

Lord J. Russell to Earl Cowley.

(Extract.) Foreign Office, October 29, 1860.

When I was in attendance upon Her Majesty at Coburg, Lord Augustus Loftus came there, and reported to me a conversation he had held with Count Rechberg on various topics affecting the state of Europe. In speaking of Italy, Count Rechberg had said that he was sorry to see, by a despatch of mine to Sir James Hudson, which had been published, that I agreed with the Government of France, in considering that however aggressive might be the conduct of Sardinia towards Austria, and however unfavourable to Sardinia the fate of arms might be,

Lombardy should still remain attached to Piedmont. He considered this condition as a premium upon wanton attack on the part of Sardinia, for she might gain Venetia, but could not lose Lombardy.

Upon the remark thus reported to me by Lord A. Loftus, I made the following note, of which I desired him to report the substance to Count Rechberg. I copy for your Excellency the note made by me at the time, in order that your Excellency may be aware of the views taken by Her Majesty's Government on the 3rd of the present month of the state of Venetia, and the risk of war on the Lombardo-Venetian frontier.

'Count Rechberg is mistaken in supposing that the British Government concur with that of France respecting the fate of Lombardy in case of war. But they consider that the French Government would be supported by the national feeling of France in resisting the abrogation of the engagements of Zurich which gave Lombardy to Piedmont, and which were the result and the trophy of French military successes. It would therefore be wise in Austria, in case of war with Sardinia, whatever might be the advantage of Austria in repelling an Italian aggression, not to bring France into the field by demanding the cession of Lombardy as the price of peace. It is to be hoped, however, that for the present the King of Sardinia will not make a wanton and causeless attack on Venetia.

'This respite should be employed by Austria in revising her whole system in regard to her Italian subjects. The Austrian Government have hitherto seemed to think that they could get rid of a truth by concealing or overlooking it. They should now look the real state of affairs boldly in the face. If they do so they will perceive that, where a Treaty is confirmed by national feeling and opinion, it is easily upheld and maintained; but, where it has no

such sanction, it is like a decayed tree, that only waits for a gust of wind to be overthrown. Thus, the Treaty of 1815, which secures the independence of Switzerland, is confirmed by the attachment of the Swiss people to their liberty, and the integrity of their territory. Thus the Treaty of 1831, respecting Belgium, is strengthened and sanctioned by the attachment of the people of Belgium to their nationality, their King, and their institutions. It may be disagreeable to Austrian Statesmen to remark the contrast which these facts present to the state of Italy, but the lesson is a useful one. The authority of the Pope, that of the Grand Duke of Tuscany, and lastly, that of the King of Naples, having no root in the affections of their subjects, have fallen before the first blast. It is worth while for the Austrian Government to reflect on the position of Genoa and Venice. In 1815, one of those cities was given to Sardinia, the other to Austria; but while the annexation of Venice to Austria encountered little opposition, either from within or from without, that of Genoa to Sardinia was strongly opposed. The ancient independence of the Genoese Republic, the principles of public law, the violent antipathy existing between Genoese and Piedmontese, were urged in Liguria, and invoked in the British Parliament as conclusive reasons against this union. But at the end of forty-five years what do we find? The dominion of Austria in Venetia is precarious and unpopular, while the union of Genoa and Turin is cemented and confirmed. If we look for the reason of this instructive example, we shall find that whilst the Austrian Government has done everything to depress, to irritate, and to humble the national feeling, the Piedmontese Government, on the other hand, has done everything to cherish, to flatter, and to exalt it.

'Something of the same policy may be observed in regard to Hungary. The aim of Prince Schwarzenberg was

to centralize and to Germanize the Hungarian Administration. How ill he succeeded, the debates of the Reichsrath abundantly show. It would savour of the presumption of ignorance if the British Government were to attempt to point out the measures by which Hungary and Venetia might be made the strength, and not the weakness, of the Austrian Monarchy. But the most superficial observation enables them to see that it is by contempt and disregard of national feeling that the affections of Hungary and Venetia have been alienated, and they naturally conclude that by regard and respect for those national feelings a way may be found for regaining those estranged affections. Nor would the British Government say even this much, were they not deeply convinced that the maintenance of the Austrian Monarchy is so bound up with European interests, and so conducive to the continuance of European peace, that they ought not to neglect any opportuniity for urging on Austrian statesmen considerations which, in their opinion, belong to her peace, her prosperity, and even to her safety.'

These remarks were read by Lord A. Loftus to Count Rechberg.

Lord J. Russell to Earl Cowley.

Foreign Office, October 30, 1860.

My Lord,—Her Majesty's Government have been informed from Turin, and also by Count Ludolf, the Minister of the King of the Two Sicilies, that the Emperor of the French has given orders to his Admiral in the waters of Naples not only to prevent any blockade of Gaeta, but to oppose any operations against Gaeta from the sea.

There are two aspects under which this measure may be regarded.

It may be intended as a mode of saving the King of

the Two Sicilies from the risk of personal capture by the naval and military forces now in arms against him; or it may be a mode of espousing the cause of the King of the Two Sicilies against the popular march of the forces under Garibaldi and against the army under the King of Sardinia, and the vote by universal suffrage, which has just been taken in Naples and Sicily.

You are instructed to ascertain from M. Thouvenel in which of these two aspects the present measure of the Emperor of the French is to be regarded.

I am, &c.

(Signed) J. RUSSELL.

Mr. Elliot to Lord J. Russell.

(*Received October* 31.)

Naples, October 23, 1860,

My Lord,—I have the honour to inclose a copy and translation of the telegram from General Cialdini, announcing his victory over the Neapolitans near Macerone.

I regret to have to call your Lordship's attention to the barbarous announcement (conveyed at the end of this despatch) of the General's determination to put to death all the peasants he finds in arms in support of him whom they have the right to consider their legitimate Sovereign.

The excuse made for this order is, that the peasants are said to have been guilty of great atrocities.

I have, &c.

(Signed) HENRY ELLIOT.

Lord J. Russell to Earl Cowley.

Foreign Office, November 3, 1860.

My Lord,—The Marquis of Chateaurenard came to the Foreign Office yesterday, and read to me a despatch

addressed to him by M. Thouvenel on the subject of the orders given to the French Admiral on the coast of Naples.

M. Thouvenel in this despatch entirely disavows on the part of the Emperor any intention to change his policy in regard to Italy. He declares that the Emperor has no intention to take part in the war between the King of Sardinia and the King of the Two Sicilies. But His Imperial Majesty has considered it an act due to a Sovereign in distress, to save him from the humiliation of a personal surrender to his enemy.

I answered that this explanation was quite satisfactory so far as the intentions of the Emperor were concerned. But as beyond and apart from his intentions the act of his Admiral must tend to prolong the war, I thought the Emperor might now advise the King of the Two Sicilies to desist from a hopeless contest, and put an end to further bloodshed.

M. de Chateaurenard said it was difficult to advise a Prince at the head of 40,000 troops not to defend to the last the Crown he had inherited.

I replied that it would be difficult for Her Majesty's Government, or any other Power, to do so. But as the Emperor of the French had interfered to save the dignity of the King, he might easily give advice tending to the pacification of Italy, and the termination of a conflict entailing needless sacrifices of the lives of brave men.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

Foreign Office, November 3, 1860.

My Lord,—I omitted to state to your Excellency at the time, that before M. de Persigny's temporary departure from this country, he read me a despatch from M. Thou-

venel, justifying the prolonged occupation of Rome by French troops, and expressing surprise that Her Majesty's Government had made objections to it.

M. de Persigny added, that I had myself observed to him some time ago that the Emperor would subject himself to reproach if, in consequence of a sudden evacuation of Rome by the French troops, the Pope should be exposed to personal insult; that such insult would be resented in all Roman Catholic countries, and blame would be thrown upon the Emperor.

I answered that this was quite true, and I should greatly lament the occurrence of any act insulting or outrageous towards the person of the Pope. But I said this reflection, which applies to the mode of the evacuation, does not touch the general question. In the last century the Pope held an independent sovereignty; his people enjoyed municipal privileges; and the whole of Europe was content to respect, not the material military force, but the moral and undisputed independence of the Pope.

But what becomes of this boasted independence when it is only maintained from day to day by 20,000 foreign bayonets? It is obvious that things are changed, and there is little use in preserving the name of the temporal sovereignty when the thing itself has ceased to exist. Her Majesty's Government wished not to press or precipitate a solution, but the matter seemed to us to deserve the attentive deliberation of the Emperor of the French and other Roman Catholic Sovereigns of Europe.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Earl Cowley.

(Extract.) Foreign Office, November 3, 1860.

I have to state to your Excellency that it appears to Her Majesty's Government that if the object of the Emperor of

the French is only to enable the King of the Two Sicilies to make an honourable capitulation, the Emperor should recommend that course to the two Sovereigns now in array against each other. Her Majesty's Government would be glad to see the King of the Two Sicilies obtain the most honourable terms, but Her Majesty's Government trust that the Government of the Emperor will not infringe the principle of non-intervention in the actual hostilities in Italy, to which Her Majesty's Government strictly adhere.

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The following is the text of the despatch addressed by Prince Gortchakoff to Prince Gagarine, Chargé d'Affaires of Russia at Turin, of which document the 'Times' published a translation in its edition of October 27 :—

'St. Petersburgh, September 28, 1860.

'Prince,—From the moment when the Preliminaries of Villafranca put an end to the war in Italy, a series of acts contrary to right has been accomplished in the Peninsula, and has there created the abnormal situation whose ultimate consequences we see developing themselves at this moment.

'From the commencement of this situation, the Imperial Cabinet has considered it its duty to call the attention of the Sardinian Government to the responsibility which it would assume by yielding to dangerous impulses.

'We especially conveyed to them our friendly representations, when the Sicilian Revolution first received from Piedmont the moral and material support which alone could give it the proportions which it has taken.

'The question, in our eyes, went beyond the sphere of local complications. It touched directly upon the principles universally admitted as the rule of international relations, and it tended to shake the very basis on which reposes the authority of established Governments.

'Whilst receiving with profound regret the motives put forward by Count Cavour, and which would not permit him to oppose these proceedings with more effectual obstacles, we have taken note of the disavowal with which he has marked them.

'By this attitude, the Imperial Cabinet feels convinced that it has given to the Court of Turin a sincere evidence of its desire to preserve good relations with the latter, but it also considers that it has given sufficient warning of the decisions which would be imposed upon His Majesty the Emperor on the day when the Sardinian Government should allow themselves to be entirely governed by impulses which their sense of international duty had until then bound them to repudiate.

'These decisions, I say it with regret, cannot be delayed.

'The Sardinian Government have moved their troops across the frontiers of the Roman States in the midst of peace, without a declaration of war or provocation of any kind. They have openly leagued themselves with the revolution going on at Naples; they have sanctioned its acts by the presence of their troops, and by that of high Piedmontese functionaries placed at the head of the insurrectionist forces without ceasing to be in the service of King Victor Emmanuel.

'Lastly, they have just now crowned this series of infractions of right by announcing in the face of Europe their intention to accept the annexation to the Kingdom of Piedmont, of territories belonging to Sovereigns who still reside in their States, where they are defending their authority against revolutionary violence.

'By these acts the Piedmontese Government no longer permits us to consider them as strangers to the movement which convulses the Peninsula. They take upon themselves the whole responsibility, and put themselves in

flagrant contradiction to the principles of the right of nations.

'The necessity which it alleges of combating anarchy cannot justify them from the moment when they place themselves in the way of the revolution that they may gather its fruits, and not that they may stop its progress or repair its outrages.

'Pretexts such as these cannot be admitted. We have here to do not with an Italian question, but with a question of general interest, common to all Governments: we have to do with everlasting laws, without which no social order, no peace, no security can exist in Europe.

'His Majesty the Emperor has deemed it impossible that his Legation should longer remain a witness of acts which his conscience and his convictions condemn.

'His Imperial Majesty finds himself obliged to put an end to the functions which you fulfil at the Sardinian court.

'In consequence, the desire of our august master is, that upon the receipt of these instructions you should demand your passports and should immediately quit Turin, with all the members of the Legation.

'You will make known to Count Cavour the motives of this final decision, and you will read and give a copy of this despatch to him.

'Receive, &c.

(Signed) 'GORTCHAKOFF.'

Mr. Elliot to Lord J. Russell.

(*Received November* 15.)

Naples, November 9, 1860.

My Lord,—General Garibaldi left Naples this morning, and has retired to his Island of Caprera, carrying with him the personal respect and admiration even of those most opposed to his projects, and loudest in their denun-

ciation of the lawlessness of his enterprise; for although the corruption which has prevailed in every branch of the administration during his Dictatorship has far surpassed anything that was known even in the corrupt times which preceded it, he himself has to the last remained free from a suspicion of having shared in the plunder.

After several months of the exercise of absolute dictatorship over Sicily and Naples, he is known to have been forced to borrow a few pounds to defray some trifling debts, and refusing all honours and emoluments from his Sovereign, he has retired to his island, where he lives in a style but one degree above that of an ordinary peasant.

A general opinion prevails that he has not received at the hands of King Victor Emmanuel the consideration that his great services seemed to entitle him to, and this is said to have caused serious dissatisfaction among some classes of the population of Naples.

I understand, however, that His Majesty has expressed his sense of his services in the most handsome language, and would willingly have conferred upon him the highest honours in the gift of the Crown; but nevertheless his Ministers and advisers cannot be entirely acquitted of a want of consideration or generosity, and there is no doubt that, after having bestowed two kingdoms upon his Sovereign, General Garibaldi's last days at Naples have been embittered by the sense of neglect and of ingratitude.

I have, &c.

(Signed) HENRY ELLIOT.

Mr. Elliot to Lord J. Russell.

(*Received November* 19.)

Naples, November 10, 1860.

My Lord,—According to an analysis which has been published here of the votes upon the different occasions in

which appeal has been made to universal suffrage, the votes given have been in the following proportion to the population of the countries:—

In France in 1848	21·28 per cent.
In France in 1851	53·19 „
In France in 1852	23·25 „
In Tuscany	21·17 „
In Emilia	20·09 „
In Naples	19·17 „

Although the numbers who have here taken part in the vote may be considered rather small, the proportion of affirmative to negative votes amounted to no less than 99·21 per cent., which is greater than it had been in any preceding instance, except in the Emilia, where they amounted to 99·64 per cent. of the votes recorded.

I have, &c.

(Signed) HENRY ELLIOT.

Lord J. Russell to Earl Cowley.

Foreign Office, December 13, 1860.

My Lord,—When the Emperor of the French sent orders to his Admiral at Naples to prevent the bombardment of Gaeta by the Sardinian squadron, Her Majesty's Government asked whether those orders were intended for the personal protection of the King of the Two Sicilies, or whether they were to be looked upon as an armed intervention in the war carried on by the King of Sardinia against the King of the Two Sicilies.

The answer was prompt and decisive. The orders given to the French Admiral were solely intended for the personal protection of the King and Royal family of Naples.

But the King, now blocked up at Gaeta, has, in more than one official paper, declared his intention to defend himself to the last. He will not avail himself of any opportunity of safe retreat, but relies on the strength of his

position to enable him to protract civil war in the Kingdom of Naples, and he quotes the French protection afforded him as an encouragement to hold out.

I wish you to point out to M. Thouvenel how much the generous intention of the Emperor has been perverted, and his name abused, for purposes he never sanctioned. The King of Naples is free to retire; why does he not do so?

In the opinion of Her Majesty's Government, the Emperor of the French ought not only to advise the King to leave Gaeta, but should also put some term to French interference. His authority ought not to cover the useless efforts and fruitless effusion of blood which are going on at Gaeta.

I am, &c.

(Signed) J. RUSSELL.

Earl Cowley to Lord J. Russell.

(*Received December* 15.)

(Extract.) Paris, December 14, 1860.

I have the honour to inclose herewith two copies of a pamphlet entitled 'L'Empereur François Joseph I. et l'Europe.' The object of it is to prove the advantage which would result to Austria and Europe by the sale of Venetia.

Lord J. Russell to Mr. Fane.

(Extract.) Foreign Office, December 18, 1860.

Her Majesty's Government stated in August last, in reply to inquiries from Vienna, that they would discourage at Paris and at Turin any attack upon Venetia; but that further than this they could not go.

Her Majesty's Government retain the same views as to any participation in a war to defend Venetia.

But is Austria very sure that Hungary will vote men

and money for such a war, either as a separate Diet or in the Reichsrath? Is the Cabinet of Vienna sure even that the new and more popular representations of the German States will vote large supplies for a war in Italy?

These questions should engage the earnest attention of the Austrian Government.

Lord J. Russell to Earl Cowley.

Foreign Office, December 24, 1860.

My Lord,—You have done well to call my attention to the pamphlet which, under the name of 'Francis Joseph and Europe,' has appeared at Paris.

In these days pamphlets are events, and we cannot forget that the pamphlet called 'The Pope and the Congress' has led to the loss by the Pope of more than half his dominions, and has prevented the meeting of a European Congress.

I do not wish at present to discuss the main object of this pamphlet. The question of the surrender of Venetia by Austria must be considered separately and deliberately.

But towards the end of the pamphlet is a suggestion which was partially hinted at last year in regard to Italy, and which may, one day or other, be brought forward as a serious proposition.

The suggestion is that a new species of Holy Alliance should be formed; that an Areopagus should decide on all European questions; that all classes should have the benefit of the enlightened views of this very learned and benevolent body.

It is not difficult to discover, amidst the covert phrases of this proposal, an old enemy of European independence.

A Council which should pretend to represent all nations, and embrace all interests, would soon become the centre of intrigue, and the organ of the boldest and most unscrupulous of the prevailing Powers. Its decrees would

be aimed against all diversity of institutions and all liberty of thought; the ancient safeguards of order and of freedom would be denounced as barbarous and feudal; the expression of individual thought would be condemned as a disturbance of the general peace and tranquillity. Fortunately for Europe the tendencies of the year passing away have been in an opposite direction. In Switzerland, in Belgium, in Prussia, and in Spain, the attachment to national landmarks has been unequivocally and loudly expressed. In Italy, also, however divided the people of different States may have been, there has been displayed a vehement desire for independence of foreign domination.

You are too well informed not to know that the national independence of the States of Europe has been for three centuries, excepting, perhaps, during the reigns of Charles II. and James II., the object of the policy of Great Britain. The nationality of Holland, of Portugal, of Spain, of Germany, of Greece, of Belgium, have been at various times upheld by the influence of England, and sometimes supported by her arms.

From this independence of Europe have flowed immunity from foreign conquest, attachment to their own institutions, the cultivation of the language and literature of each nation, and that general security, which have contributed so much to wealth, to knowledge, and to freedom.

It would be a great misfortune to exchange this system for a central control. To imagine that international disputes would thereby be avoided is a fatal error. But the weak States, having no longer a combination or coalition of Powers to look to for support, would fall before the strong, and under the names of Switzerland, of Spain, of Italy, of Holland, or of Belgium, would be in fact the mere dependencies of some one or two great States.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Sir J. Hudson.

Foreign Office, January 21, 1861.

Sir,—I have not taken any official notice of the Decrees you sent me, annexing, not to Sardinia, but to 'the Italian State,' Naples, Sicily, Umbria, and the Marches.

In fact, the votes by universal suffrage which have taken place in those Kingdoms and Provinces appear to Her Majesty's Government to have little validity. These votes are nothing more than a formality following upon acts of popular insurrection, or successful invasion, or upon Treaties, and do not in themselves imply any independent exercise of the will of the nation in whose name they are given.

Should, however, the deliberate act of the Representatives of the several Italian States who are to meet on February 18, constitute those States into one State, in the form of a Constitutional Monarchy, a new question will arise. When the formation of this State shall be announced to Her Majesty, it is to be hoped that the Government of the King will be ready to show that the new Monarchy has been erected in pursuance of the deliberate wishes of the people of Italy; and that it has all the attributes of a Government prepared to maintain order within, and the relations of peace and amity without. The obligations of the various States of Europe towards each other; the validity of the Treaties which fix the territorial circumscription of each State; and the duty of acting in a friendly manner to all its neighbours with whom it is not at war;—these are the general ties which bind the nations of Europe together, and which prevent the suspicion, distrust, and discord that might otherwise deprive peace of all that makes it happy and secure.

It is not without a purpose that I have made these general observations. My despatch of August 31 last need not here be repeated; but the sentiments there expressed continue to animate Her Majesty's Government. After the troubles of the last few years Europe has a right to expect that the Italian Kingdom shall not be a new source of dissension and alarm.

You may read this despatch to Count Cavour, and if he wishes you may give him a copy of it.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to the Chevalier de Fortunato.

Foreign Office, February 20, 1861.

Sir,—The intelligence which has reached this country of the capitulation of the fortress of Gaeta, and of the departure of His Majesty King Francis II., and the Queen his Consort, from his late dominions, renders it necessary that I should acquaint you that, under the present state of things, you can no longer be accredited at this Court as the Representative of the Government of the King of the Two Sicilies.

I will not on this occasion indulge in vain regret at the catastrophe which has befallen the Bourbon Dynasty in the Kingdom of the Two Sicilies. The British Government had long foreseen, and had repeatedly warned, not only King Francis II., but his immediate predecessor, of the dangers they incurred by the policy they pursued; but I cannot close my official intercourse with you without requesting you to accept the assurance of my personal esteem, to which the manner in which you have conducted the business that you have had to transact with me has given you so just a claim.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to the Chevalier de Fortunato.

Foreign Office, March 1, 1861.

Sir,—I have the honour to acknowledge the receipt of your letter of the 22nd ultimo, replying to the communication which I made to you on the 20th, that, under existing circumstances, you could no longer be received as the Representative of the late Government of King Francis II.

The same reasons which caused me to make that communication to you preclude me from replying to your letter of the 22nd, but I must request you to be assured that my abstaining from doing so does not result from want of personal consideration for yourself, but is the necessary consequence of the cessation of the political relations which, up to the date of my letter of the 20th, I had the satisfaction of maintaining with you.

I should have been glad if my sense of public duty had permitted me to show more sympathy than I have been able to do for the misfortunes of the young King and Queen whom you have so faithfully served.

I am, &c.

(Signed) J. RUSSELL.

Count Cavour to the Marquis d'Azeglio.

Turin, March 16, 1861.

M. le Marquis,—About the end of January the Minister of Her Britannic Majesty at Turin communicated to me a despatch from Lord John Russell, of which I annex a copy.

In that despatch the Principal Secretary of State for Foreign Affairs of Great Britain, attributing but slight value to the vote by universal suffrage given at Naples, in Sicily, Umbria, and the Marches, declared that he reserved the examination of the questions raised by the political transformation of Italy for the period when the true

intentions of the Italian nation might be manifested in a regular and solemn manner by the legitimate Representatives assembled in a freely elected Parliament.

After this declaration, Lord J. Russell indicates what are the conditions which the new kingdom must fulfil, in order that England can continue to keep up with it relations in conformity with the friendship which she has always shown towards Sardinia.

When that despatch was communicated to me, Italy was preparing to elect the members of the National Parliament; I therefore abstained from immediately making known to Lord J. Russell, through you, the impression which his despatch had produced on the King's Government. In fact, it appeared to me useless to enter into a theoretical controversy on the value of universal suffrage when the moment was approaching when the event on which the English Government made its definitive decisions depend, was about to cut short all discussions by reversing or confirming the result of the popular vote. I consequently confined myself to assuring Sir James Hudson as to the intentions of the King's Government, and to making known to him my conviction that the Parliament which would issue from the elections would soon manifest in a manner not admitting of any doubt, the sentiments which animate all the populations of the Italian Peninsula, from the Alps to Etna.

My anticipations on that subject were fully verified. The Parliament which has just assembled contains the principal men of the nation. The King has called to the Senate those personages who, by their science, birth, and wealth, reckon among the great illustrations of the country. The people availing themselves of their rights with the most absolute liberty, have sent to the Chamber of Deputies the most well-known notabilities of all the Italian provinces.

On meeting, the Parliament hastened to give, by numerous Resolutions, the most formal sanction to the votes of the people. The reception given to the King at the opening of the session, the replies of the two Chambers to the Speech from the Throne, the constitution of the Bureau of the Presidency, and lastly, the unanimous vote on the Bill relative to the new title which the King was to bear, could not allow the slightest doubt to remain on this subject. Universal suffrage has, with us, been followed by a striking counter-proof. If the abstract and theoretic value of this mode of manifesting the national sovereignty is open to discussion, it must be agreed that, as regards Italy, it has been the sincere, free, and spontaneous expression of a sentiment which predominates over all others, and which has acquired an irresistible force.

I moreover hasten to state that Lord John Russell has himself admitted and proclaimed the fact which I have just mentioned, in a manner as sympathetic and kind for Italy as honourable for the King's Government. It consequently only remains for me, as regards the first part of his Lordship's despatch, to charge you to express our gratitude for the energetic and brilliant manner in which, during a recent discussion, he established facts and vindicated the King and our country from the insults lavished on them by the violent adversaries of the great principles of civil and religious liberty, the triumph of which in Italy is now secured.

The eminently national character of the Government just founded being thus proved, I must, in order to fully reply to the questions raised by the despatch of January 20, examine whether this Government possesses the moral and material force necessary to fulfil its duties both at home and in its relations with the other Powers.

That the Government is firmly established, and that it

possesses all the means necessary for governing, is a fact which cannot be disputed. In the new provinces of Upper and Middle Italy the Administration proceeds with almost the same regularity, and meets with as few obstacles, as in the parts which for centuries past have formed a portion of the Kingdom of Sardinia. No symptom of illegal opposition has manifested itself either in Lombardy (a country represented as being so difficult to govern), or in the Romagna, where hatred to priestly rule had excited such violent passions; or in the Duchies, where it might have been feared that the loss of the advantages which the existence of petty Courts procures to the localities in which they reside might have been a cause of discontent.

Tuscany, where it was supposed that the former régime, less violent and less corrupt than elsewhere, would leave lasting traces and deep regrets, has been and still is a great element of strength for the Government and of order for the country. Nowhere, in fact, has the political fusion raised less difficulties. To prove this, it is only necessary to recall a fact of which the enemies of the Italian cause in the English Parliament are probably ignorant. It is, that for the last eight months there has not been a battalion of regular troops in that country, and that, nevertheless, it has been found possible to suppress the special systems of administration which had been left there, without giving rise to any hostile manifestation.

There exist, it is true, very serious administrative difficulties in Southern Italy. No astonishment can, however, be felt at this, when it is borne in mind that the government of the Bourbons, which had lasted for more than a century, and which itself succeeded the well-known government of the Spanish Viceroys, had erected corruption into a system, and had applied itself to undermine in all the branches of the Administration the principles of morality, good faith, and patriotism, without which the

best laws and the most perfect institutions can only be attended with disastrous results.

The influence of liberty and the powerful and salutary action of the Parliament will soon apply an effectual remedy to this state of things. In the meantime, if some embarrassment may be caused to the Government, it is not a source of weakness for it, for nowhere have those administrative difficulties served as a pretext or a mask for real opposition, either dynastic or illegal. Therefore I do not think I am deceiving myself when I state that the Government has at its disposal means amply sufficient for securing order at home and for regulating its relations with foreign Powers according to the duties imposed on it by Treaties and by the principles of the Law of Nations.

This affirmation, however, only replies incompletely to the questions laid down by Lord J. Russell. His chief anxiety is probably to know the manner in which we understand the duties of which I have just spoken. As in his despatch of January 20, while treating of political questions in a general manner, he makes a marked allusion to that of August 31, 1860, I am induced to believe that it is on the subject of our relations with Austria that he wishes to obtain definite explanations. It is therefore on that point that I think it my duty to again explain myself without reserve.

The King's Government, the faithful interpreter of the sentiments which animate the whole country, does not conceal its profound sympathy for the populations which the Treaty of Campo-Formio transferred to Austrian rule. It is well aware that, so long as those provinces shall remain separate from the rest of Italy, calm will not be completely restored to the public mind. The nation, moved by the sad spectacle of the sufferings of the Venetians, will constantly think of their deliverance. The Government well knows that so long as afflicted

Venice shall stretch out her arms to the other capitals of Italy, it will be impossible to re-establish with Austria such friendly relations as are calculated to guarantee a sincere and durable peace.

But the King's Government knows, at the same time, that there are considerations of a superior order which do not allow it to follow the impulse of the sentiments which animate all Italians. It knows that its duty to Italy is to guard the interests confided to it, and that the respect and gratitude it owes to the Powers which have aided Italy to escape from the state of oppression under which she had suffered for centuries imposed duties which it will strive to accomplish, however painful the task may be.

In the present state of Europe the Venetian question cannot be arranged separately; any attempt to settle it by force would give rise to a conflagration which would extend its ravages afar, and the responsibility of which Europe would throw on that Government which, without provocation, should send its soldiers across the frontier.

Convinced of this truth, the King's Government has decided to spare no efforts to prevent any act which, directly or indirectly, might bring on an European war. It will wait till events, in developing themselves, shall have made all the statesmen of Europe, whether adversaries or partizans of Austria, share in the conviction already entertained by all those who are intimately acquainted with the Venetian question, that the possession of that province is a cause of weakness for Austria, at the same time that it is a source of trouble for Italy and Europe.

Six months ago, in laying before Parliament on a solemn occasion the policy of the Government, I indicated, almost in the same terms I now use, what would be our conduct towards Austria. I then declared, and I now repeat, that the Italians may await in full confidence the verdict of public opinion in the great cause now pending between

them and Austria. Let me be allowed to add now, that what might have appeared doubtful then, becomes every day more evident; and that the changes which have recently taken place, whether in Austria or in Italy, only demonstrate more and more clearly the necessity of a peaceful solution of the Venetian question. A few words, M. le Marquis, will suffice fully to explain my thoughts on this point.

The Cabinet of Vienna, I am happy to acknowledge, has suddenly entered on a decidedly liberal course. Unhesitatingly relinquishing the principles it had adopted after the events of 1848 and 1849, it has endowed all the provinces of the Empire with institutions which I do not presume to judge, but which appear to be based on the ideas held by the most advanced nations of Europe. Venetia alone is excluded from the new Imperial policy.

In all other provinces of the Empire popular Assemblies are instituted, Diets are convoked, liberty is organized; Venice alone is an exception. Venetia serves only as a camp for soldiers. No other system is there possible than that of a state of siege. Is not, I ask the noble British nation, such a contrast calculated to convince the incredulous that Austria, whatever efforts she may make, whatever modifications she may effect in her internal system, cannot change her position in Venetia? And is not this fact sufficient to cause public opinion in Europe to demand a pacific solution of the Venetian question?

On the other hand, in consequence of the reservations which King Victor Emmanuel made in the Preliminaries of Villafranca, and which were carefully maintained in the negotiations of Zurich, and also in consequence of the national movements that have taken place, of which there are few examples in history, Central Italy first of all, and more recently Southern Italy, have formed, with Lombardy and the former States of His Majesty, a new Kingdom of

Italy. England, faithful to her liberal traditions, has recognised the fact of these annexations, while openly testifying her sympathies for a movement accomplished with so much order, regularity, and moderation.

Most of the other Powers have reserved their adhesion, and, without recognising the new state of things, have abstained from taking a hostile attitude to the King's Government. Austria alone has protested in a formal manner against the union of Central Italy to the States of the King, and has reserved her rights to those countries and also the rights of the Princes who have made common cause with her; although in a most confidential form she has made known that she reserves the right of asserting her pretensions whenever she may consider it suitable to her interests.

It results from this, that the position which the Treaty of Zurich established between the King's Government and Austria has been sensibly modified, and that we are now in presence of a Power which not only refuses to recognize us, but reserves to itself to bring forward pretensions which would result in plunging Italy anew into the state of servitude in which she so long groaned. These reservations and protests have not been confined to simple words, but have been accompanied by significant acts.

It will suffice to call to mind that the Austrian Government has constantly maintained on our frontier troops which had followed the Duke of Modena. These troops have retained their flag and their cockade, are still organised as in time of war, and are always ready to invade the former territory of their master.

I hasten to add that I am aware that the Cabinet of Vienna has declared on several occasions that it had no intention of attacking us, provided we respected its frontiers. I am far from placing in doubt the value of that declaration, and consequently from regarding our country

as in a state of war with Austria; however, it is impossible to conceal from ourselves that the very nature of things, and the events which have taken place since the signing of the Treaty of Zurich, render our position with regard to that Power abnormal, difficult, and dangerous.

Lord John Russell is too honest and too friendly to Italy not to admit this, or to cast on us exclusively the responsibility of this state of things.

I hope, besides, that the explanations I have given will completely reassure him as to our intentions; for they appear to me to leave no doubt either as to the extent of the means at the disposal of the King's Government, or as to our firm resolution to conform our conduct to what is required by the great interests of Europe, and to listen to the counsels of moderation and prudence which come to us from Powers which, like England, have given us many proofs of sympathy and interest.

Be pleased to read this despatch to the Secretary of State for Foreign Affairs, and to leave him a copy of it.

I am, &c.

(Signed) C. CAVOUR.

The Marquis d'Azeglio to Lord J. Russell.

London, March 19, 1861.

My Lord,—The National Parliament has voted, and the King my august Sovereign has sanctioned, the law by virtue of which his Majesty Victor Emmanuel II. assumes for himself and for his successors the title of 'King of Italy.'

Thus constitutional legality has hallowed the work of justice which has restored Italy to herself.

From this day forward Italy asserts loudly in the face of the world her individual existence.

She solemnly proclaims the right which belongs to her to be free and independent, a right which she has supported on the fields of battle and in the Councils of Europe.

England, who has owed, and who owes, her prosperity to the application of the same principles that guide us, will, I am convinced, see with favour a nationality towards which the people of the United Kingdom have manifested such generous sympathies constitute itself in an official manner and obtain its recognition in Europe.

I am charged by the King's Government to notify officially this memorable event to your Excellency, in your quality of Principal Secretary of State for Foreign Affairs of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland.

This great fact has an importance which your Excellency will readily appreciate. The experience of the past permits me to hope that the communication which I have the honour to make to you will occasion to your Excellency, as well as to your colleagues, the same satisfaction as I have in addressing it to you.

I beg, &c.

(Signed) V. E. D'AZEGLIO.

Lord J. Russell to the Marquis d'Azeglio.

Foreign Office, March 30, 1861.

M. le Marquis,—I have had the honour to receive your letter of the 19th instant, informing me that the National Parliament has voted, and the King your august Sovereign has sanctioned, a law by virtue of which His Majesty Victor Emmanuel II. assumes, for himself and for his successors, the title of 'King of Italy.'

Having laid your communication before Her Majesty the Queen, I am commanded to state to you that Her Majesty, acting on the principle of respecting the independence of

the nations of Europe, will receive you as the Envoy of Victor Emmanuel II., King of Italy.

Corresponding instructions will be given to Sir James Hudson, Her Majesty's Envoy Extraordinary at the Court of Turin.

I request you, M. le Marquis, to accept the assurances of my highest consideration.

I have, &c.
(Signed) J. RUSSELL.

Lord J. Russell to Sir J. Hudson.

Foreign Office, April 1, 1861.

Sir,—I transmit to you herewith a copy of a letter from the Marquis d'Azeglio, announcing that the National Parliament has voted, and the King sanctioned, a law in virtue of which His Majesty Victor Emmanuel II. assumes for himself and his successors the title of 'King of Italy,' and also a copy of my reply, stating that the Queen would receive him as Envoy of Victor Emmanuel II., King of Italy.

No new credentials will be required by you.

I am, &c.
(Signed) J. RUSSELL.

Mr. Odo Russell to Earl Russell.

(*Received December* 18.)

(Extract.) Rome, November 24, 1862.

The Bourbon Committee have lately sent a further detachment of 260 men to join Tristani's Band on the frontier.

They were well armed and wore blue overcoats and red trousers, so as to look like French soldiers at a distance, and thereby deceive the Italian outposts and patrols.

The men enlisted are chiefly Bavarians, Belgians, and

Spaniards. Tristani's head-quarters are, according to circumstances, either at Santa Francesca or at Strangolagalli, and he draws his rations and supplies from Veroli.

It is difficult to understand for what object the Bourbon Committee continue to keep up and organize these useless bands of foreigners, who, beyond annoying the inhabitants of the Neapolitan frontiers, have achieved no other result than to discredit the cause of King Francis II.

Earl Russell to Earl Cowley.

Foreign Office, December 27, 1862.

My Lord,—Her Majesty's Government have freely and candidly expressed their opinion to the Government of the Emperor respecting the French occupation of Rome. Her Majesty's Government have no desire to pursue that argument further for the mere purpose of controversy.

But upon a question closely connected with the French occupation of Rome, Her Majesty's Government must, in justice to the interests of Italy and of Europe, call upon the French Government to interfere with the Pope's advisers.

The Pope himself, with the benevolence which is characteristic of him, has always held that his temporal dominion ought to be a territory free from foreign quarrels and sanguinary conflicts. In this spirit, in 1848, he declared in his Allocution of April 29, that he would take no part in the war of Italian independence. The passage alluded to is as follows:—'It is wholly abhorrent from our counsels, seeing that we, although unworthy, discharge on earth the office of Him who is the author of peace and lover of charity, and agreeably to the duty of our Supreme Apostleship regard and embrace, with equal paternal earnestness of love, all tribes, peoples, nations.'

In the same spirit, when the Bishops of the Roman

Catholic Communion from all parts of the world went to Rome, in the course of this present year, they described Rome, in an address to the Pope, as the seat of a temporal authority, independent of any other; 'the centre, as it were, of universal concord; a place where no human ambition breathes; where no one ever intrigues for territorial dominion.' They remind the Pope of his own words, that 'it is by a special disposition of Divine Providence that the Roman Pontiff, established by Christ the centre and chief of His whole Church, possesses a temporal power.'

If the French army at Rome protected a Power thus holy, religious, and charitable, the evils of the French occupation would be in some degree mitigated. But there is a long distance between the theory thus stated and the existing fact. The political banditti who infest the southern provinces of Italy have their head-quarters at Rome. They constantly issue from haunts rendered secure for them by the cover of the French flag, to destroy whole villages, and to murder the peaceful farmers of the south. A detachment of 260 men lately went from Rome well armed, and clothed in blue overcoats and red trousers, in order that they might look like French soldiers, and thereby deceive the Italian outposts and patrols.

If such detachments of robbers were to be sent from Switzerland into Lombardy, the Italian Government would at once protest, and the Swiss Republic would at once put an end to such an unfriendly proceeding.

At Rome, however, things are done in a different way; and the high dignitaries about the Pope's person, as well as his illustrious guest the late King of Naples, are believed by the world in general to be the instigators of these incursions.

It is obvious that if the Roman Government were really independent, it would be at once called to account by the

King of Italy for these aggressive and unjustifiable proceedings, and would not venture to disregard his just and well-founded remonstrances.

The continuance of these barbarous outrages is therefore an evil entirely owing to the French occupation of Rome, and it would cease at once if proper orders were given by the French Minister of War to the General commanding the French troops in the Roman territory. The Minister of War has but to say peremptorily 'Let brigandage cease,' and the Roman banditti would be extinguished in a fortnight.

Her Majesty's Government cannot refrain from submitting to that of France that the Government of the Emperor ought either to leave the Roman State to settle its own quarrels, and to atone for its own misdeeds, or it ought to insist upon a behaviour on the part of the Pope which shall be peaceable towards his neighbours, and in conformity with that impartial love and universal charity professed in words by Pius IX., but utterly disregarded in action by his Minister.

Your Excellency may read this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) J. RUSSELL.

Earl Cowley to Earl Russell.

(*Received December* 31.)

Paris, December 30, 1862.

My Lord,—I read yesterday to M. Drouyn de Lhuys your Lordship's despatch of the 27th instant, relating to the evils resulting from the political brigandage which is organized at Rome against the southern provinces of Italy, and which Her Majesty's Government consider it to be the duty of the French troops, as long as they occupy Rome, to put down and prevent.

M. Drouyn de Lhuys said that he had no objection to make to the general principles laid down in your Lordship's despatch, and he could assure me that the Prince de la Tour d'Auvergne had gone to Rome with very strong instructions upon this important subject. He would state, further, that the opinions of the French Government had been conveyed to the Pope, to Cardinal Antonelli, and to the ex-King of Naples, in a manner which he could not but hope would produce a proper effect. There was, no doubt, great exaggeration as to the extent of the evil complained of, but evil, he could not deny, there was; and he would take this opportunity of renewing, in pressing language, the instructions with which M. de la Tour d'Auvergne was, as he had stated, already furnished.

I have, &c.

(Signed) COWLEY.

POLAND.

Prince Talleyrand to Viscount Palmerston.

(*Received July* 20.)

London, July 20, 1831.

The undersigned, Ambassador from His Majesty the King of the French to His Britannic Majesty, has the honour to address to Lord Palmerston, Chief Secretary of State for the Department of Foreign Affairs, a copy of a despatch which he has received of General Count Sebastiani, relative to the present state of Poland, and to the advances towards conciliation which the King's Government has the desire to make in concert with the Government of His Britannic Majesty.

This communication, the substance of which the Undersigned has already made known to Lord Palmerston in

several conversations, particularly in that of the 14th of this month, has for its object to satisfy the desire which he expressed to him to receive, with reference to this subject, a document upon which he would be in a situation to fix the special attention of His Britannic Majesty's Cabinet.

The Undersigned begs Lord Palmerston to have the goodness to inform him what opinion the English Government may form upon the communication which he is instructed to make to him; and he takes, &c.

(Signed) THE PRINCE DE TALLEYRAND.

INCLOSURE.

Count Sebastiani to Prince Talleyrand.

Paris, July 7, 1831.

Mon Prince,—The King, touched by the evils which the Polish war has already caused to two nations in which he takes so lively an interest, eager to ensure the maintenance of peace, compromised daily by so prolonged a contest, and no less engaged in preserving the West of Europe from the fearful sufferings which this war entails, has addressed himself confidentially to the Emperor of Russia, in order to put an end to so many disasters, and to bring to an end blood-shedding over which humanity has only too long groaned. The King's intention was also to preserve the political existence of a people which has showed itself so worthy of it by so great courage and patriotism, and which has the guarantee of the Treaties of Vienna for its nationality. Up to the present time the King's efforts have not achieved the results which he had the right to expect. Notwithstanding their small success, His Majesty does not consider it his duty to renounce the generous and pacific mediation which his personal feelings recommend, and which the condition of Europe prescribes

to him. He believes, especially, that were England to act in agreement with France for giving to this salutary intervention all the force of which it is susceptible, the effect might be made certain by the combination of these two Powers. The King is sufficiently acquainted with the feelings which animate His Britannic Majesty to entertain the hope that he will not refuse to give his frank and complete adhesion to our advances, and to join his powerful action to our efforts, at a time when the question of the welfare of humanity and of the general interest of Europe transcends all others. The desire of His Majesty, mon Prince, is that you should make immediate and pressing overtures to the English Government with reference to this subject: we are awaiting their result with much impatience.

Accept, &c.

(Signed) HORACE SEBASTIANI.

Viscount Palmerston to Prince Talleyrand.

Foreign Office, July 22, 1831.

The Undersigned has the honour to acknowledge the receipt of a note of the 20th instant from the Prince de Talleyrand, inclosing the copy of a despatch dated July 7, addressed to his Excellency by Count Sebastiani, which the Undersigned has lost no time in laying before the King.

The Undersigned is commanded to express the sense entertained by His Majesty of the frank and conciliatory manner in which this communication has been made. It is His Majesty's sincere desire to cultivate the most friendly and confidential intercourse with the Court of France, more especially when the end in view is the preservation or the restoration of peace.

As far, therefore, as regards the desire of the French Government to secure to the Poles the national and

political existence which it was one of the objects of the Treaty of Vienna to establish, the Undersigned has to state, in the most distinct terms, that His Majesty could not consent to see Poland deprived of the advantages of that arrangement; nor has the Undersigned waited for the present communication from the Prince de Talleyrand to make such representations upon this point to the Russian Cabinet as, without indicating any suspicion of the intentions of that Government, might prevent future misunderstanding.

The object of the communication which it is now proposed that France and England should jointly address to Russia, is an immediate cessation of hostilities, with a view to negotiations for the purpose of re-establishing peace between the contending parties by some lasting arrangement; and it appears from Count Sebastiani's despatch that a proposition to this effect has already been made to Russia by France, but hitherto without success.

If His Majesty had reason to think that the Emperor of Russia was disposed to avail himself of the good offices of the two Courts, and that their intervention might lead to an accommodation, His Majesty would willingly co-operate in a friendly endeavour to restore peace between Russia and Poland. But there are, on the contrary, too many reasons for fearing that a simple offer of mediation, so far from being desired by his Imperial Majesty, would at the present moment certainly be refused.

Can it then be expedient to make a proposal which there is no ground to hope would be accepted; and which, if refused, would leave to the two Governments the embarrassing alternative of either acquiescing in a determined rejection of their proposal, or of taking measures to enforce it by means of a more direct and effectual interference? The British Government certainly is not prepared to adopt the latter course. The effects and

bearing of the contest upon the security of other States have not hitherto been such as to warrant measures of such a description; nor has the conduct of Russia towards England been calculated to excite any unfriendly feeling: she has, on the contrary, performed towards this country all the offices of a good and faithful ally, and, in the late difficult negotiations for the purpose of effecting a settlement between Belgium and Holland, she has acted with perfect fairness in her co-operation with the other four Powers.

Under these circumstances, His Majesty, deeply lamenting the calamities of a disastrous and desolating contest, does not think the time has yet arrived when he could be justified in adopting a proceeding which, however conciliatory in form, could not fail to alarm an independent Power, naturally jealous of its rights, and sensibly alive to everything which might appear to affect its national honour.

For these reasons His Majesty feels himself under the necessity of declining the proposal which the Prince de Talleyrand has been instructed to convey. But the Undersigned is at the same time commanded to repeat to his Excellency that there exists on the part of His Majesty a sincere and earnest desire to co-operate with the King of the French in promoting the general interests of humanity and peace. The King can never look with indifference on such a state of things as that which now exists in Poland. His anxious attention will be constantly directed to the progress of the contest, and though he finds himself compelled at present to withhold his assent to the proposed offer of a joint mediation, His Majesty will not be the less anxious to avail himself of any favourable opportunity which the friendly relations subsisting between the Courts of Great Britain and Russia may afford, to lend his assistance to the benevolent work

of putting a stop to the further effusion of blood, and of restoring to the countries now suffering under all the evils of war, the enjoyment of the blessings of peace.

The Undersigned, &c.

(Signed) PALMERSTON.

The Earl of Clarendon to Viscount Palmerston.

(*Received April* 17.)

Paris, April 15, 1856.

My Lord,—Since the commencement of the Conferences I have not failed to bear in mind the deep interest which Her Majesty's Government have always taken in the condition of Poland; and I have been most anxious to bring that question before the Congress in order to obtain some expression of opinion on the subject from that body, or some assurance from the Representatives of the Emperor of Russia, that His Majesty intended to adopt a more conciliatory policy towards his Polish subjects.

On the 9th instant, at the request of Count Walewski, I held a conversation with Count Orloff on this subject. I said that the condition of Poland had been discussed, and its future organization determined, by the Congress of Vienna, and that the present Congress could not view the question with indifference; but that, to the best of my belief, the Poles would be tolerably well satisfied if national institutions were restored to them, if their religion were respected, if they were allowed to use the Polish language, and if all their children were educated at Polish schools, instead of, as now, a limited number of them only at Russian schools. I suggested at the same time to his Excellency that he should volunteer some assurance to this effect, or should be prepared to declare it in answer to a question put to him by the Congress.

Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything I had sug-

gested, but that the announcement could not be made to the Congress, as that would be misrepresented in Russia and His Imperial Majesty would be thought to have yielded to foreign pressure, which would deprive him of the grace of the spontaneous acts he meant to perform.

Count Orloff said to me in a friendly manner, 'Do not, in the interest of the Poles, bring the subject forward in the Congress; for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles, and the Emperor may perhaps think it a matter of dignity to postpone what he intends to do.'

I said that the question seemed to rest between a voluntary declaration on the part of the Emperor to the Congress, or a Proclamation at some future period to Poland, and that I thought that the former would be the more gracious course and at the same time be advantageous to the Emperor as an earnest to Europe of the policy which His Majesty intended to adopt; and I urged that such a declaration could not be derogatory to His Majesty's dignity, nor lead to misinterpretation.

Count Orloff answered, that knowing, as he did, the Emperor's views respecting Poland, he had determined not to write to His Majesty on the subject, but that he would make known by telegraph what I had then suggested.

His Excellency yesterday, in answer to my inquiry respecting the answer he had received from St. Petersburgh, informed me that he must decline to make any declaration respecting Poland. He said that the Emperor had determined to do everything that had been suggested, and that the amnesty would be comprehensive, but that he wished to signalise his coronation by these and other acts of grace, and that their good effect would be destroyed if His Majesty's intentions were declared beforehand. His Excellency repeated that, if I persisted in bringing the

matter before the Congress, he should be compelled to give an unfavourable answer, and to say that foreign intervention would probably lead to a postponement or a diminution of the favours which His Majesty meant to bestow on his Polish subjects.

Under these circumstances, Count Walewski and I have agreed that the more prudent course would be not to bring forward the question in the Congress.

I have, &c.

(Signed) CLARENDON.

Viscount Palmerston to the Earl of Clarendon.

Foreign Office, April 17, 1856.

My Lord,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 15th instant, reporting your conversations with Count Walewski and with Count Orloff on the question of Poland; and I have the honour to acquaint your Lordship that Her Majesty's Government entirely approve the course pursued by you both in bringing the subject into discussion with Count Orloff, and in abstaining, in consequence of what Count Orloff said, from mooting the matter in the Congress.

I have, &c.

(Signed) PALMERSTON.

Acting Consul-General White to Earl Russell.

(*Received January* 26, 1863.)

Warsaw, December 31, 1862.

My Lord,—I have the honour to report to your Lordship that the Government here have dissolved the District Council of Prasnyz in consequence of some of the expressions made use of during the discussions of that body. This is the second of the new Councils which has been thus dissolved out of thirty-nine; and this renders null

and void all the proceedings of that body, even the selection of Commissioners of Arbitration for awarding the terms of disputed peasant-leases.

The Government are, however, bound by law to convoke the electors of these districts for a new election within twelve months from the date of dissolution.

I have, &c.

(Signed) W. A. WHITE.

Acting Consul-General White to Earl Russell.

(*Received January 26.*)

Warsaw, January 11, 1863.

My Lord,—A fortnight ago certain discoveries were made by the police here, to which very great importance was attached at the time by the highest authorities in this country, but their value has considerably diminished since, as the activity of the revolutionary faction has remained unabated, notwithstanding the arrest of those individuals whom the police supposed to be the chief leaders of the conspiracy.

These arrests comprised several railway officials, one of whom, of the name of Kowalewski, was spoken of as the head of the Police Department of the Revolutionary Committee; another person of the name of Epstein, the son of a wealthy Jewish banker, was supposed also to have taken an active part in seditious measures, and great joy was manifested in official circles at his apprehension.

A few days later the police seized several persons in the very act of printing a revolutionary newspaper, and the letter-press was also taken on that occasion. The house where these were found was taken possession of by the police, and in the course of the following day a man of the name of Schwartz was arrested when coming to that very house, probably with a view to get some copies of the paper. He attempted to make his escape on seeing the

police, but he was followed and taken after some attempt at resistance. Several important papers were found in his possession, among them his commission appointing him an agent to the Revolutionary Committee. Schwartz is a French subject, but the son of Polish parents; he appears to have received a good education as civil engineer in Paris.

About the same time, the French Government arrested three Polish refugees in Paris, whose papers were searched and whose connection with Mazzini and with the Revolutionary Committee at Warsaw appears to have been beyond a doubt.

All these discoveries were made at a time when numerous agents of the Revolutionary Committee are driving about the country, both in the kingdom and in Lithuania, enrolling members for the Secret Society, threatening the Government officials with their vengeance, and spreading alarm among all peaceably disposed inhabitants.

It was hoped at first by those persons in the Government, who are more sanguine, that they were on the eve of very great discoveries on the subject of the revolutionary organization, but these hopes do not appear to have been realised as yet.

One of the most important persons seized is a man of the name of Abicht, a native of Lithuania, who was taken the other day, quite by accident, in the small town of Garwolin, about fifty miles from Warsaw, by the local authorities, who suspected him of belonging to a party of highwaymen who had robbed the post in that locality.

This suspicion arose from the circumstance of the Jewish waiter in the inn where Abicht and his companions were staying, having discovered pistols in his portmanteau, which made the Jew give information of this to the Local Mayor, or Bürgermeister, who arrested them at once.

I have, &c.

(Signed) W. A. WHITE.

Acting Consul-General White to Earl Russell.

(*Received January 26.*)

Warsaw, January 14, 1863.

My Lord,—As the execution of the measure of forced enlistment is drawing near, the Revolutionary faction continues to deceive the masses by a bold attitude, pretending all along that it possesses the power to resist the orders of the Government, and that the carrying out, in a peaceable manner, of this exceptional measure will be attended with insurmountable difficulties.

A few days after the seizure of the types of the seditious paper the 'Ruch,' these people published a fresh number of that newspaper, denying the fact of the discovery of their printing press, with a view to prevent the discouragement which this might produce among their partisans.

Immediately afterwards the Revolutionary Committee issued a circular which was sent to various local authorities throughout the country, threatening with vengeance and summary punishment any person in the employment of the Government, or any magistrate, aiding or assisting in any way to carry out the recruitment.

A few days after that, the Jewish waiter whose information had led to the apprehension of Abicht, the Revolutionary agent, at Garwolin, as mentioned in my despatch of the 11th instant, came to Warsaw to receive a pecuniary reward of the amount of 200 roubles bestowed on him by the Grand Duke for having given that information. The Jew applied during three days at the Treasury for payment, and the third day he was stabbed at the gate with a dagger on coming out of the Paymaster-General's Office, evidently with the intention to intimidate informers and the Provincial authorities during the approaching conscription. The Jew was not mortally wounded, it appears; he was even able to follow his murderer through the

streets, when he fell: a man was taken by the police, a locksmith by profession, who is supposed to be the guilty party, but his identity does not appear to have been sufficiently established as yet.

I think it necessary to mention here that Abicht came to Poland from England with a British passport.

The lists of persons destined to be taken as recruits have been made out, and the conscription is to begin in the course of a few days in Warsaw, and to follow in the Provinces and in the other towns of the Kingdom. No effort has been spared to include in it all able-bodied men who are suspected of revolutionary tendencies, and who have been marked out as such by the police during the last two years; but from what is known of the inefficiency of that Department of the Government, it may be easily supposed that this sort of information cannot be always relied on.

The number of recruits to be raised this time from the Kingdom is kept secret. I have reason, however, to suppose that it is intended to get at the rate of 5 per 1,000 of the population; and as this amounts in the towns to about 1,200,000, the number would be 6,000 men. As the rural population is exempt this time, the villages have only 2,000 men to supply; thus making a total of 8,000 men.

The exact number, however, does not appear to be definitely settled, and the Grand Duke is allowed a certain margin as to the figure of recruits to be supplied this time by the Kingdom.

The result of this measure is looked forward to with intense interest both by the rulers and by the governed; and if the expectations of the former are attended with success, the conscription is to be over in a month's time, and when it is completed the Grand Duke will probably proceed to St. Petersburg for a few weeks, to submit to

His Majesty further projects for the pacification of his Imperial brother's Polish subjects.

I have, &c.

(Signed) W. A. WHITE.

Colonel Stanton to Earl Russell.

(*Received January* 26.)

Warsaw, January 19, 1863.

My Lord,—The projected conscription for the Russian army, which had been announced by the Government to take place at the commencement of the present year, was carried into effect in this town on the night of the 14th instant, when about 2,000 men were taken for service.

The members of the Government were under considerable apprehension that carrying this resolution into effect would produce disturbances throughout the country, as the agitators of the revolutionary party had used their utmost endeavours to incite the people to resist the levy, and, if necessary, even to appeal to arms. The date on which the levy was to be made was kept a secret, and steps were taken by the authorities to repress any hostile movement should such take place; but, notwithstanding the threatening attitude of the ultra party, the measure was carried out without any disturbance as far as the town was concerned.

The effect produced by the sudden and complete success of the Government in this matter is most marked; the Revolutionary party appears to be paralysed, and the working classes have already commenced to open their eyes to the folly of further resistance, and to the impotence of the ultra party to offer any effectual opposition to the Government. Unfortunately a number of working men and others belonging to the secret societies have been induced to assemble not far from this town, in obedience to the orders given them by the chiefs of the movement; their numbers are, however, not supposed to

amount to more than 500 or 600, the greater portion of whom are unarmed. Troops have been despatched to disperse and capture these insurgents, and it is to be feared some blood will be shed in effecting this; but the weakness of the ultra party, and the impossibility of their resisting the Government, will, at least, be clearly demonstrated by this foolish attempt, and I believe, my Lord, it is not too much to anticipate that the Polish movement will now shortly be brought to an end, and the country resume, if not a peaceful attitude, at least one of comparative quiet and freedom from revolutionary attempts.

The conscription has still to be carried out in the country districts, and the date on which this is to take place is still kept a secret, but after the success of the measure in Warsaw I imagine no serious opposition need be feared in the provinces; no doubt numbers of persons liable to be taken will endeavour to leave the country, and it is highly probable that the forests of the kingdom will for some time be used as places of refuge, and the roads of the kingdom rendered unsafe for travellers by the presence of these persons, who will be reduced to brigandage to obtain means of support.

In conclusion, my Lord, I may remark that, notwithstanding the present resistance to the Government, the state of affairs in this country has, to all outward appearance, materially improved during the last two months.

I have, &c.

(Signed) EDWD. STANTON.

Sir A. Buchanan to Earl Russell.

(*Received January 29.*)

(Extract.) Berlin, January 27, 1863.

I have the honour to inclose herewith the original of a letter which I have just received from Her Majesty's

Consul at Warsaw, giving an account of the insurrectionary movement which has taken place in Poland.

INCLOSURE.

Colonel Stanton to Sir A. Buchanan.

(Extract.) Warsaw, January 25, 1863.

The lines of telegraph connecting this with Berlin and St. Petersburgh having been cut, I have been unable to report the march of events in this country. I therefore forward a few lines on the state of affairs here; and I have the honour to request, should your Excellency consider the intelligence of sufficient importance to be forwarded, that it may be transmitted to Earl Russell and Lord Napier.

Your Excellency will have heard that immediately after the conscription was made in this town, a number of persons assembled in the neighbourhood to resist the action of the Government, and that troops were dispatched to disperse and capture these. Since that date events of a much more serious nature have taken place, and collisions have occurred between the insurgents and the Imperial troops in several places in the kingdom. The idea of the Revolutionary leaders was to effect a general rising on the night of the 22nd, and to fall upon the various small detachments of troops scattered throughout the country at the same moment. Some of these attempts were made, and a few small parties of troops surrendered; in general, however, the troops were able to beat off the attacks, and numbers of prisoners have been made. The most serious affair appears to have taken place in the town of Plock, where an attack was made on the guard-house, but was repulsed after some heavy firing, which lasted a considerable time. I am not aware what casualties occurred, but the losses are reported to be heavy; nor am I able at pre-

sent to give your Excellency any idea of the number of the insurgents; they have, however, succeeded in cutting the telegraphs as well as the railway between this town and St. Petersburgh, having, as I am informed, destroyed one or two bridges on this line. Some rails were also taken up on the Warsaw and Vienna Railroad, but these have, I believe, been replaced, and the communication by this line preserved.

Unfortunately the Government were not prepared with flying columns to act immediately in the different districts, and some valuable time has been lost in putting down this movement, which has now taken such dimensions that it is to be feared a considerable amount of bloodshed will take place before the rising is completely suppressed; but it is difficult to imagine that any serious opposition could be offered to the forces at the disposal of the Government, and as the movement appears at present to be confined to the townspeople, backed by the clergy, the peasant population holding aloof, it is to be hoped that quiet will shortly be re-established, and that the wavering portion of the inhabitants of the kingdom will see the folly of resistance to the overwhelming force of Russia. The success of the conscription in Warsaw itself appears to have precipitated the action of the Revolutionary agents, and to have upset all their calculations, and I imagine we are not likely to have any disturbance in this town; and as the mask is now thrown off, the Government as well as the people themselves can see who are the actual instigators and leaders in this foolish attempt.

Lord Napier to Earl Russell.

(Received February 2.)

(Extract.) St. Petersburgh, January 26, 1863.

I have the honour to transmit to your Lordship herewith an extract from the official newspaper of yesterday's

date containing some particulars of the recent outbreak in various parts of Poland in connection with the military recruitment.

Your Lordship was informed some time since that the Russian Government had restored the barbarous system of recruitment by designation in Poland, in lieu of the humaner plan of conscription by lot, which had been prescribed by a law of the year 1859, but which had never been exercised, as no levy has been made since that date. Nor was a recurrence to the former scheme by which the Emperor Nicholas exhausted and subdued the energies of the Polish people the only bad feature in the recent enactment: the scheme itself was partially applied; it was to be put in force in the towns, but not in the country, the Government having a double object in view,—on one side to conciliate the landed proprietors and peasantry, and on the other side to seize upon the most obnoxious persons in the urban population and carry them off as soldiers. About 8,000 recruits, as I understand, were to be levied in the Polish towns by Mixed Commissions composed of military officers and civil functionaries who have an absolute power of selection. Without affirming that in all cases this faculty would be abusively exercised without regard to the numbers or resources of families or to the station and avocations of the parties liable to service, it is certain that the selection of the authorities would be frequently prompted by considerations of a political character, and it may be feared that the instruments of Government would sometimes be accessible to motives of a corrupt nature. In fact, it was a design to make a clean sweep of the revolutionary youth of Poland, to shut up the most energetic and dangerous spirits in the restraints of the Russian army. It was simply a plan to kidnap the opposition, and carry it off to Siberia or the Caucasus. This proposal, so totally out of keeping with the humane and

intelligent order of things recently inaugurated in Poland, created great surprise among many persons well affected to the Russian Government; for it was apprehended that even if the Government should succeed in disposing of a number of dangerous antagonists, yet the moral obloquy attending this act would greatly outweigh the material advantage to be gained. It seemed to my humble judgment to be the single considerable error committed in Poland since the nomination of Marquis Wielopolski; yet it had the approval of that Statesman and the sanction of the Grand Duke Constantine. How far the present revolt is the work of men driven to desperation by the prospect of being caught up and made Russian soldiers, or how far it is the work of revolutionary incendiaries availing themselves of this opportunity, and instigators, cannot yet be ascertained. The arbitrary recruitment will, however, give a colour to resistance and excuse the acts of the revolutionary party in the eyes of Europe. They will have a justification, or at least extenuation, which nothing but some great act of injustice on the part of Russia could have afforded them. It is obvious, however, that, under every provocation, insurrection in Poland under any circumstances is a crime; for it is insurrection without the least chance of success, which can only terminate in increased severities and aggravated hatred.

Among reflecting Russians, the only defence I have ever heard given for the suspension of the law of 1859 and the return to the old system is this: that the regular military conscription is not introduced in Russia itself, and that if the levy had been taken in Poland on the modern European plan, Poland would have been better treated than the Empire; that it was most equitable to continue the arbitrary method in both countries until a good law could be contrived for both.

I cannot assent to this argument. The institutions of

Poland are in many respects more advanced than those of Russia. This is, no doubt, a strong motive for improving the Russian laws; it is no motive for debasing those of Poland.

There is no reason why the French law of conscription should not have been matured for application in Russia Proper during the last six years, in which there has been no levy of soldiers in the Empire. The measure complained of is, in my humble opinion, simply a malignant, and, I hope, expiring effort of the old system of despotic violence. The result is deplorable, but it is natural. We can only hope that the Emperor will not allow himself to be drawn into a reactionary course in other respects by an incident which has been, in part at least, provoked by the imprudence of his Representatives and advisers.

Lord Bloomfield to Earl Russell.

(*Received February* 16.)

(Extract.) Vienna, February 12, 1863.

A report having reached me that a proposition had been made to the Austrian Government to enter into a Convention with Russia and Prussia for the better protection of their common interest in Poland, I have just inquired of Count Rechberg if there was any foundation for this report. His Excellency replied he was happy to say that no overture on the subject had been made to him; that all the Russian Government had requested was that refugees might be disarmed and taken care of, and that this was unnecessary, for whenever such cases occurred along the Galician frontier the people were dealt with according to usage. I asked Count Rechberg what was the nature of a Military Convention said to have been concluded between Russia and Prussia concerning the affairs of Poland. He replied that he was not in the possession of the details of it, but he supposed its main

object was to facilitate the passage of Russian troops through Prussia into Poland, and to establish a common course of action in face of the insurrection. He added that on hearing of this Convention, he had telegraphed to Count Thun at St. Petersburgh to discourage any communication on the subject to Vienna; that Galicia was comparatively tranquil; and that unless the Polish insurrection assumed greater dimensions, the Austrian Government would consider the general understanding which existed between the two Imperial Governments sufficient for present purposes.

His Excellency then remarked that the concentration along the Polish frontier of three Prussian corps d'armée, about 60,000 men, was a much larger force than could be necessary. He was happy to think that Count Mensdorff had but 12,000 men in Galicia, that he was told to apply for any amount of reinforcement he might require, and that he had answered that the force at his disposal was ample, that the rural population were quiet, and that up to the present moment he saw no cause for serious alarm.

Earl Russell to Earl Cowley.

Foreign Office, February 21, 1863.

My Lord,—The French Ambassador has just called upon me to say that the Government of the Emperor, although not in possession of the text of the Convention between Russia and Prussia, know enough of its purport to form an opinion unfavourable to the prudence and opportuneness of that Convention.

The French Government consider that the Government of the King of Prussia have by their conduct revived the Polish question. They consider this measure all the more imprudent inasmuch as the Polish Provinces of Prussia are represented as perfectly tranquil.

The French Government consider also that the Government of Russia should be advised to appease irritation, and calm the discontent prevailing by measures of conciliation and mildness.

The French Ambassador has no orders to propose any concert with the British Government, but he is instructed to ask whether the views which he had explained were conformable to those entertained by Her Majesty's Government.

I informed him that Her Majesty's Government entertained precisely the views which he had explained on the part of his Government.

I am, &c.
(Signed) RUSSELL.

Lord Bloomfield to Earl Russell.

(*Received March* 2.)

(Extract.) Vienna, February 26, 1863.

Having heard that the Duc de Grammont had communicated to Count Rechberg a project of a note to be presented at Berlin on the affairs of Poland and the policy which had been pursued by Prussia with respect to the present insurrection, I called on his Excellency this afternoon, when he gave me the following account of the French proposition.

Count Rechberg asked me first of all if I had no communication to make to him. I replied that your Lordship had not written to me respecting this project, and that the only thing that I could tell him was that I received a telegram a few days ago, by which I learned that Her Majesty's Government considered that Austria had acted wisely in declining the Prussian overtures respecting Poland.

His Excellency then proceeded to say that the project of note transmitted from Paris was drawn up in very

courteous terms, but that it was impossible for Austria to identify herself with it, notwithstanding her earnest wish to unite with England and France; that she had refused Prussia to join in the Military Convention concluded with Russia for the suppression of the insurrection in Poland, and had taken a line of her own, of complete independence, which he thought was the best calculated to protect her interests, and advance those of the peace of Europe, and while she maintained all her international engagements, she reserved to herself the right of changing her position, if it might hereafter become advisable to do so. That by acceding to the proposed identic note, it would be said of Austria that she adopted a policy of non-intervention, which it was her determination not to do. She would maintain, on the contrary, complete liberty of action, and would not bind herself to any general principle such as that implied in the proposed note. His Excellency said that if it was proposed to restore to Poland the engagements taken by the Powers in 1815, why should not all the other stipulations of that time be insisted on?

His Excellency has addressed a despatch to Prince Metternich, in which he develops the reasons of the Austrian Cabinet for declining the French proposal. It will be sent to-morrow to Paris, and the same messenger will be the bearer of a copy of it which Count Apponyi will communicate to your Lordship.

Earl Russell to Earl Cowley.

(Extract.) Foreign Office, March 27, 1863.

Her Majesty's Government are quite ready, in answer to overtures made to me yesterday by Baron Gros on the part of his Government, to make a representation to the Court of Russia on the part of Great Britain, Austria, and France, on the subject of Poland.

Sir A. Buchanan to Earl Russell.

(*Received April* 6.)

(Extract.) Berlin, April 4, 1863.

With reference to the declaration made in the Second Chamber by Count Eulenburg to which I referred in my despatch of yesterday's date, I think it right to state that I have reason to believe that as a great proportion of the fugitives from Poland into Prussia are Prussian subjects, and many of them belong to the Landwehr, his Excellency meant to say that Prussian fugitives would be treated with clemency, but that the Prussian Government could not refuse to fulfil their international engagements with Russia in cases in which the extradition of Russian subjects coming under the stipulations of these Treaties might be demanded by Russia.

I am assured by M. de Bismarck that he is only aware of six persons having been given up to the Russian authorities since the beginning of the insurrection; namely, four arrested at Thorn, and two, of whom one was a Russian officer who had assassinated the Major of his regiment, and the other an Ensign who had deserted.

Lord Bloomfield to Earl Russell.

(*Received April* 6.)

Vienna, April 2, 1863.

My Lord,—On the receipt of your Lordship's telegram of the 28th ultimo, stating that a collective note on the affairs of Poland to be addressed to Russia by Austria, England, and France, was under consideration, and that Her Majesty's Government hoped it would be drawn up in such terms that the Austrian Government, with whom they are most anxious to act, will consent to sign it, I lost no time in informing Count Rechberg of the communication which had reached me.

Having met with a trifling accident which prevented my leaving the house, his Excellency and the French Ambassador were kind enough to call on me together on Sunday. Count Rechberg said that he was most desirous to act on this question with England and France, but that the exceptional position of Austria in regard to her Polish Province of Galicia rendered it impossible for her to adopt exactly the same course as that which might be decided on by England and France; that he had taken the Emperor's orders, and submitted to His Imperial Majesty the draft of a despatch to be addressed to the Austrian Chargé d'Affaires at St. Petersburgh, which he thought would answer the purpose we had in view, and at all events preserve a community of sentiment on the part of the three Powers.

His Excellency read this despatch, and as neither the Duc de Grammont nor myself saw the least chance of obtaining the assent of the Imperial Government to the principle of a collective note, it only remained for us to express our regret that Austria could not take the step in the form we had proposed.

Count Rechberg said that he was ready to forward the draft of his despatch to London and Paris, and that if approved of it might be communicated to Prince Gortchakoff at the same time as the notes of England and France.

Seeing that no better arrangement was likely to be obtained, we requested Count Rechberg to send off the necessary instructions to London and Paris without delay, which he promised to do, and Count Apponyi will probably have communicated the proposed Austrian despatch to your Lordship some days before this can reach your hands.

I have, &c.

(Signed) BLOOMFIELD.

Count Rechberg to Count Apponyi.

Vienna, March 31, 1863.

The Duke de Grammont and Lord Bloomfield have been instructed by their Governments to communicate with me on the subject of a proposal for an identic and collective step which the Cabinets of Paris and London are intending to take at St. Petersburgh, to request the Russian Government to restore the Kingdom of Poland to such a state as may secure to it the re-establishment and the maintenance of tranquillity.

My former despatches on the Polish question have always laid down that, notwithstanding a certain similarity between our views and those of the English and French Governments, we nevertheless could not adopt exactly the same line.

I have sufficiently enlarged on this point to your Highness to render it superfluous to return to it now. I shall therefore confine myself to informing you that in my conversations with the two Ambassadors I have again insisted on the important reasons which compelled Austria to observe in the Polish question a reserve in conformity with her particular situation, which is essentially different from that of the two other Powers. Passing afterwards to the examination of the special matter in discussion, I thought it right to observe that in a step like that in question, the point of departure for Austria was naturally quite different from that for England and France.

The possession of Galicia, in fact, makes it strongly the interest of the Imperial Government that Russian Poland should not again become the theatre of disturbances and sanguinary conflicts. We ought consequently, above all, to found our request to the Emperor Alexander to remedy this state of things on the embarrassment caused to the

Imperial Government by the agitation which reigns in the immediate vicinity of our frontiers.

We suffer, moreover, too directly from what has just passed in Poland not to be in a position to express to the Russian Government the desire of seeing the recurrence of such events prevented. We are therefore disposed to address to our Chargé d'Affaires at St. Petersburgh the despatch of which your Highness will find the draft annexed. It would seem to us to correspond with the views of the Cabinets of Paris and London, as far as our peculiar situation allows of it.

I authorise you to communicate it confidentially to Lord Russell, who will, I hope, see in this communication a proof of our desire to associate ourselves with the views of the British Government.

As I have remarked to Lord Bloomfield and the Duke de Grammont, the shade of difference which exists on this question between the attitude of Austria and that of the two other Courts may be explained by the very nature of the affair. In raising her voice in favour of the Poles, Austria, who herself possesses a Polish province, must hold a language of her own. But if this language tends to the same object as that which is pursued by France and England, it may serve to establish the harmony which reigns between the three Powers.

We consider that in this manner we pay all the attention in our power to the wishes which have been expressed to us; and we hope that our draft, communicated with these explanations, will experience a favourable reception from the British Government.

An identic despatch, containing the same inclosure, is addressed to the Emperor's Ambassador at Paris.

Receive, &c.

(Signed) RECHBERG.

Draft of Despatch from Count Rechberg to Count Thun.

Vienna.

Since the defeat and dispersion of those armed bands which, from their numbers and their organisation, were the most formidable, the insurrection in Poland may be considered as having been reduced to smaller proportions.

This fact, which relieves the Russian Government from what it has hitherto owed to considerations of dignity and of military honour, enables us now to call their attention to the unfortunate influence which the troubles in Poland exercise upon our own provinces.

In fact, it is impossible that Galicia should not sympathise with events so deplorable as those which have recently taken place in the immediate vicinity of her frontiers. Serious embarrassment is also caused to the Imperial Government, who must, therefore, attach some importance to being able to obviate the return of such events. The Cabinet of St. Petersburgh will, no doubt, itself appreciate the danger of the periodic convulsions which agitate Poland, and it will recognise the expediency of taking measures with the object of placing a term to them by putting the Polish province under Russian dominion in the conditions of a durable peace.

By so doing, consequences will be avoided disastrous to all Europe, and to those countries which suffer most directly from struggles which, like those which we have lately seen taking place, have the inevitable effect of disturbing public opinion in a manner to cause uneasiness to Cabinets, and capable of producing lamentable complications.

I have to request, M. le Comte, that you will bring these observations in the most friendly manner before the Vice-Chancellor, and that you will inform me of the manner in which they are received. Receive, &c.

Earl Cowley to Earl Russell.

(*Received April 7.*)

(Extract.) Paris, April 5, 1863.

M. Drouyn de Lhuys said that he was preparing the draft of the despatch which he proposed addressing to the Duc de Montebello, and that he would send it to-morrow night to Baron Gros for communication to your Lordship. He hoped that your Lordship would equally communicate to him the despatch which you might decide on sending to Lord Napier.

M. Drouyn de Lhuys proceeded to read to me some extracts from a despatch dated the 3rd instant, which he had received this morning from the Duc de Grammont, and from which it would appear that on the Duke representing to Count Rechberg the desire of his Government that a copy of the Austrian despatch should be left with Prince Gortchakoff, Count Rechberg had replied that he had so intended it, and that a formal order should be given to the Austrian Chargé d'Affaires in that sense. The Duc de Grammont then proposed that the three despatches should be communicated to the Russian Vice-Chancellor by the three Representatives at St. Petersburgh in identic though separate notes, and he says that Count Rechberg did not altogether object to this course. M. Drouyn de Lhuys would prefer it, and will write in that sense to the Duc de Grammont, but without making a point of it, and he hopes that your Lordship will do the same.

When the three Governments shall have agreed as to the manner in which their several despatches shall be worded, and communicated to Prince Gortchakoff (the communications should be effected, in M. Drouyn de Lhuys' opinion, with as much simultaneity as possible), his Excellency proposes that each of the three Governments

should send copies of the three despatches to their Representatives at other Courts, and invite those Courts to join in the demonstration in favour of Poland in such measure as they may deem advisable.

Earl Russell to Sir A. Buchanan.

Foreign Office, April 8, 1863.

Sir,—In reference to your Excellency's despatch of the 4th instant, I shall be glad to learn what was the fate of the four persons arrested at Thorn,—whether they or any other persons delivered up by Prussia have been put to death by the Russian authorities; and also whether under the Convention of 1857, political refugees from Russian Poland must, according to the terms of that Convention, be delivered up by Prussia on the demand of Russia?

I am, &c.

(Signed) RUSSELL.

Draft of Despatch to the Duc de Montebello.

(*Communicated to Earl Russell by Baron Gros, April* 9.)

Paris, April, 1863.

M. le Duc,—The insurrection of which the Kingdom of Poland is at present the theatre has awakened in Europe a lively anxiety, in the midst of a repose which no near event seemed likely to disturb. The lamentable effusion of blood of which this contest is the cause, and the painful incidents which mark it, are exciting, at the same time, an emotion as general as it is profound.

The Government of His Majesty is therefore fulfilling a duty in expressing to the Court of Russia the reflections which this state of things is of a nature to suggest, and in pointing out to her solicitude the inconveniences and the dangers which it involves.

The characteristic of the agitations in Poland, M. le Duc, that which makes their exceptional gravity, is that they

are not the result of a passing crisis. Effects which are reproduced in almost every generation cannot be attributed to purely accidental causes. These convulsions, which have become periodical, are the symptom of an inveterate evil; they bear witness to the impotence of the combinations which have been hitherto devised in order to reconcile the Kingdom of Poland with the situation which has been created for it.

On the other hand, these too frequent disturbances are, at each recurrence of their outbreak, a subject of anxiety and alarm. Poland, which occupies a central position in Europe, cannot be disturbed without the States situated in the immediate neighbourhood of her boundaries being influenced by the shock. That is what has happened at each time when Poland has taken up arms. These conflicts, as may be judged by that which we are now witnessing, have not for their only consequence the agitation of the public mind in an alarming manner; but if prolonged, they might trouble the relations of the Cabinets, and give rise to the most regrettable complications. We have pleasure in hoping, M. le Duc, that the Court of Russia will receive, in the same spirit which dictated them to us, considerations so worthy of her attention. We are confident that she will show herself to be animated by the liberal disposition to which the reign of His Majesty the Emperor Alexander has already borne such brilliant testimony, and she will recognise in her wisdom the opportunity for considering the means of replacing the Kingdom of Poland in the conditions of a durable peace.

You will have the goodness to read this despatch to Prince Gortchakoff, and to place a copy of it in his hands.

*Earl Russell to Earl Cowley.**

Foreign Office, April 9, 1863.

My Lord,—I transmit to your Excellency herewith, for your information, a draft of a despatch on the affairs of Poland which I propose to send to-morrow night to Her Majesty's Ambassador at St. Petersburgh, with instructions to communicate it to the Russian Government.

Your Excellency will communicate a copy of this draft to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Lord Napier.

Foreign Office, April 10, 1863.

My Lord,—Her Majesty's Government think it incumbent upon them to state once more to the Government of His Majesty the Emperor of Russia the deep interest which, in common with the rest of Europe, they take in the welfare of the Kingdom of Poland.

The general sympathy which is felt for the Polish nation might of itself justify Her Majesty's Government in making, in favour of the Polish race, an appeal to the generous and benevolent feelings of His Imperial Majesty, who has of late by various and important measures of improvement and reform, manifested an enlightened desire to promote the welfare of all classes of his subjects. But with regard to the Kingdom of Poland, Her Majesty's Government feel that the Government of Great Britain has a peculiar right to make its opinions known to that of His Imperial Majesty, because Great Britain having, in common with Austria, France, Prussia, Portugal, Spain

* A similar despatch was addressed to Lord Bloomfield.

and Sweden, been a party to the Treaty of Vienna of June 1815, Her Majesty's Government are entitled to interpose with regard to any matter which may appear to them to constitute a departure from the provisions and stipulations of that Treaty.

By the first Article of that Treaty the Grand Duchy of Warsaw was erected into a Kingdom of Poland, to be inseparably attached to the Empire of Russia under certain conditions specified in that Article; and Her Majesty's Government are concerned to have to say that although the union of the Kingdom to the Empire has been maintained, the conditions on which that union was distinctly made to depend have not been fulfilled by the Russian Government.

The Emperor Alexander, in execution of the engagements contracted by the Treaty of Vienna, established in the Kingdom of Poland a national representation and national institutions corresponding with the stipulations of the Treaty. It is not necessary for Her Majesty's Government now to observe upon the manner in which those arrangements were practically administered from that time down to the revolt in 1830. But upon the suppression of that revolt by the success of the Imperial arms, those arrangements were swept away, and a totally different order of things was by the Imperial authority established.

Prince Gortchakoff argues, as his predecessors in office have on former occasions argued, that the suppression of that revolt cancelled all engagements of Russia in the Treaty of Vienna with regard to the Kingdom of Poland, and left the Emperor of Russia at full liberty to deal with the Kingdom of Poland as with a conquered country, and to dispose of its people and institutions at his will. But Her Majesty's Government cannot acquiesce in a doctrine which they deem so contrary to good faith, so destructive

of the obligation of Treaties, and so fatal to all the international ties which bind together the community of European States and Powers.

If, indeed, the Emperor of Russia had held Poland as part of the original dominions of his Crown, or if he had acquired it by the unassisted success of his arms, and unsanctioned by the consent of any other Power, he could have contended that might was equivalent to right, and, without listening to the dictates of generosity and justice, he might have punished a temporary revolt of a portion of his Polish subjects by depriving the whole of them and their descendants for ever of those privileges and institutions which his predecessor had deemed essential to the welfare and prosperity of the Polish Kingdom.

But the position of the Russian Sovereign with regard to the Kingdom of Poland was entirely different. He held that Kingdom by the solemn stipulation of a Treaty made by him with Great Britain, Austria, France, Prussia, Portugal, Spain, and Sweden; and the revolt of the Poles could not release him from the engagements so contracted, nor obliterate the signatures by which his Plenipotentiaries had concluded, and he himself had ratified, those engagements.

The question, then, having arisen whether the engagements taken by Russia by the Treaty of Vienna have been and are now faithfully carried into execution, Her Majesty's Government, with deep regret, feel bound to say that this question must be answered in the negative.

With regard to the present revolt, Her Majesty's Government forbear to dwell upon that long course of action, civil, political, and military, carried on by the Russian Government within the Kingdom of Poland, of which the Poles so loudly complain, and to which they refer as the causes which occasioned, and in their opinion justified, their insurrection. Her Majesty's Government would

rather advert to the much-wished-for termination of these lamentable troubles.

What may be the final issue of this contest it is not, indeed, for Her Majesty's Government to foretell; but whether the result shall be the more extended spread of the insurrection, and its assumption of dimensions not at present contemplated, or whether, as is more likely, that result shall be the ultimate success of the Imperial arms, it is clear and certain that neither result can be arrived at without a calamitous effusion of blood, a great sacrifice of human life, and an extensive devastation of property; and it is evident that even if Poland shall be reduced to subjection, the remembrance of the events of the struggle will long continue to make it the bitter enemy of Russia, and a source of weakness and of danger, instead of being an element of security and of strength.

Her Majesty's Government, therefore, most earnestly entreat the Government of Russia to give their most serious attention to all the foregoing considerations; and Her Majesty's Government would beg, moreover, to submit to the Imperial Government that, besides the obligations of Treaties, Russia, as a member of the community of European States, has duties of comity towards other nations to fulfil. The condition of things which has now for a long course of time existed in Poland is a source of danger, not to Russia alone, but also to the general peace of Europe.

The disturbances which are perpetually breaking out among the Polish subjects of His Imperial Majesty necessarily produce a serious agitation of opinion in other countries of Europe, tending to excite much anxiety in the minds of their Governments, and which might, under possible circumstances, produce complications of the most serious nature.

Her Majesty's Government, therefore, fervently hope

that the Russian Government will so arrange these matters that peace may be restored to the Polish people, and may be established upon lasting foundations.

Your Lordship will read this despatch to Prince Gortchakoff, and you will give him a copy of it.

I am, &c.
(Signed) RUSSELL.

Earl Russell to Lord Napier.

Foreign Office, April 10, 1863.

My Lord,—I have to state to your Excellency that you should concert with your Austrian and French colleagues as to the day on which you shall present to Prince Gortchakoff copies of the despatches respecting Poland which you are severally instructed to deliver to his Excellency.

The copies should be presented on the same day by each of you, though at separate interviews with the Russian Minister.

I am, &c.
(Signed) RUSSELL.

*Earl Russell to Lord Napier.**

(Extract.) Foreign Office, April 10, 1863.

I had a long conversation yesterday with Baron Brunnow, some parts of which were of much interest.

In a former conversation I had said to him that I could not be surprised that men driven to despair should commit wild deeds of revenge, or that the ferocious disciples of Mazzini should be guilty of assassinations; but that the acts of atrocity committed by the disciplined army of Russia excited, on the part of Her Majesty's Government, surprise as well as horror. Baron Brunnow had replied

* Similar despatches were addressed to Lord Bloomfield and Earl Cowley.

that dreadful crimes of savage cruelty had been perpetrated by the insurgents, and had given rise to acts of retaliation. He informed me yesterday that General Berg would take the command of the Russian army in Poland. He said that General Berg was an able commander, and was likely by his military arrangements to put an end to the insurrection. I replied that if General Berg was, as I believed, an officer of high repute, I hoped he would restore discipline in the Russian army in Poland, and punish these acts of insubordination and barbarous violence, which had hitherto been unrestrained. Baron Brunnow denied the truth of the stories in circulation upon this subject.

Baron Brunnow asked me some questions as to the nature of the representations about to be made at St. Petersburgh, and when I told him that the despatch of Her Majesty's Government was chiefly founded on the non-observance of the stipulations of the Treaty of Vienna, he expressed some satisfaction that we still founded our demands on the basis of that Treaty. But there was one question he felt he was entitled to ask, and that was whether the communication Her Majesty's Government were about to make at St. Petersburgh was of a pacific nature.

I replied that it was, but that as I did not wish to mislead him I must say something more. Her Majesty's Government had no intentions that were otherwise than pacific, still less any concert with other Powers for any but pacific purposes.

But the state of things might change. The present overture of Her Majesty's Government might be rejected as the representation of March 2 had been rejected by the Imperial Government. The insurrections in Poland might continue and might assume larger proportions; the atrocities on both sides might be aggravated and

extended to a wider range of country. If in such a state of affairs the Emperor of Russia were to take no steps of a conciliatory nature, dangers and complications might arise not at present in contemplation.

Baron Brunnow said he could not call our former despatch an overture. The intentions of the Emperor towards Poland were most kind and benevolent. But there were projects afloat for altering the map of Europe. In these projects compensations to Russia were included. Russia entered into none of these projects; she wanted no compensation; she held by the present territorial arrangements of Europe, and he (Baron Brunnow) trusted Great Britain would do so likewise.

I said it was the wish of Her Majesty's Government to do so. But Russia herself had in some cases been active in proposing and carrying into effect territorial changes. I trusted, however, that in the present case the Emperor of Russia, by granting an amnesty to those who would lay down their arms, and the benefits of free institutions to Poland, would put an end to the insurrection.

It had formerly been said that the Emperor of Russia could not give liberal institutions to Poland while he denied similar benefits to his Russian subjects. But at the present time Russia as well as Poland might well look to the enjoyment of representative institutions. Why should they not be granted at one and the same time to the Kingdom of Poland and to the Empire of Russia?

Baron Brunnow had no information as to the intentions of the Emperor on this subject, and I did not press him further.

Earl Russell to Earl Cowley.

Foreign Office, April 22, 1863.

My Lord,—I have to acquaint your Excellency, in reply to your despatch of yesterday, that Her Majesty's Represen-

tatives at the several Courts in Europe will be instructed to communicate to the Governments to which they are accredited a copy of my despatch to Her Majesty's Ambassador at St. Petersburgh on the affairs of Poland, dated April 10, and to request them to give instructions in a similar sense to their respective Representatives at the Court of Russia.

I am, &c.
(Signed) RUSSELL.

Circular addressed to Her Majesty's Ambassadors and Ministers at all the Courts in Europe (except Paris, St. Petersburgh, and Vienna).

Foreign Office, April 22, 1863.

My Lord, Sir,—I transmit to you herewith a copy of a despatch which I addressed, on the 10th instant, to Her Majesty's Ambassador at the Court of Russia, instructing him to make a communication to the Cabinet at St. Petersburgh on the subject of the affairs of Poland.

You will communicate a copy of this despatch to the Government to which you are accredited, and invite them to make a communication of a similar tendency to the Russian Government.

I understand from Lord Cowley that your French colleague is instructed to communicate, with the like request, a copy of the despatch on the same subject which has been addressed by M. Drouyn de Lhuys to the French Ambassador at St. Petersburgh.

I am, &c.
(Signed) RUSSELL.

Earl Russell to Earl Cowley.

Foreign Office, April 22, 1863.

My Lord,—I transmit to your Excellency herewith, for your information, a copy of the circular despatch which I

have this day addressed to Her Majesty's Representatives at the several Courts in Europe on the affairs of Poland, to which reference is made in my despatch to your Excellency of to-day's date.

I am, &c.
(Signed) RUSSELL.

Earl Russell to Lord Napier.

Foreign Office, April 24, 1863.

Sir,—I have received and laid before the Queen your Excellency's despatch of the 12th instant, inclosing a copy of a Manifesto on Polish affairs issued by the Emperor of Russia on $\frac{\text{March 31}}{\text{April 12}}$.

Her Majesty's Government have carefully and anxiously considered the contents of this document, in the hope to find in it the germ of a restoration of peace, and a hope of good government to Poland.

I have to make to you the following remarks as the result of their deliberations.

An amnesty may lay the foundation of peace in two cases:—

1. If the insurgents have been thoroughly defeated, and are only waiting for a promise of pardon to enable them to return to their homes.

2. If the amnesty is accompanied with such ample promises of the redress of the grievances which gave occasion to the insurrection, as to induce the insurgents to think that their object is attained.

It is clear that the first of these cases is not that of the present insurrection.

It is not put down; it is, on the contrary, rather more extensive than it was a few weeks ago.

Let us, then, examine the amnesty with reference to the second of the supposed cases.

The Emperor, referring to the institutions which he has conferred ('octroyées') on the Kingdom of Poland, says:—

'En maintenant encore aujourd'hui ces institutions dans leur intégrité, nous nous réservons, lorsqu'elles auront été éprouvées dans la pratique, de procéder à leur développement ultérieur selon les besoins du temps et ceux du pays.'*

This promise can hardly be satisfactory to the Poles. For it must be observed with regard to the institutions already given, that it was during their existence that 2,000 young men were seized arbitrarily in the night, and condemned to serve as soldiers in the Russian army, in defiance of justice, and even in violation of the Law of 1859, so recently enacted. So that it is evident no security would be obtained by submitting again to the same laws. With those institutions in full force and vigour, innocent men might be imprisoned as criminals, or condemned to serve as soldiers, or banished to distant countries, without a trial, without publicity, without any guarantee whatever.

As to the promise held out for the future, it must be observed that it is made to depend on the practical working of these institutions, and on the wants of the time and of the country.

The first of these conditions alone destroys all reasonable hope of the fulfilment of this promise. For the practical working of the institutions hitherto given depends on the co-operation of native Poles of property and character as Members of the Council of State, and of Provincial and Municipal Assemblies. But the recent conduct

* Translation:—'In maintaining, at this day, these institutions in their integrity, we reserve to ourselves, whenever they shall have been practically tried, to proceed to their further development, in accordance with the requirements of the age and of the country.'

of the Russian Government in Poland has deprived them of the confidence of all Poles of this description, and forced all such Poles to withdraw from the bodies in which their functions were to be exercised.

There are wanting, therefore, in this Imperial Manifesto, the first elements of success, namely, a guarantee of security on the one side, and the feeling of trust and confidence on the other.

In a despatch of Lord Durham, then Ambassador at St. Petersburgh, dated in August 1832, Lord Durham says,—'There has long been a jealousy, nay hatred, existing between the Russians and Poles.' Her Majesty's Government had hoped that the present Emperor, by raising the social position of his Russian, and securing the political freedom of his Polish subjects, might have united both by the link of loyal attachment to the throne.

This hope has been unfortunately disappointed, and it is with great pain that Her Majesty's Government observe that the feelings of hatred between Russians and Poles have not in the lapse of thirty years been softened or modified.

The present amnesty does not appear likely to diminish the intensity of the insurrection, or give any solid security to the most moderate of Polish patriots.

I am, &c.

(Signed) RUSSELL.

Count Rechberg to Count Apponyi.

Vienna, July 19, 1863.

M. le Comte,—Prince Gortchakoff's despatch to M. de Balabine touches on three points which especially concern Austria, and on which the Imperial Government must declare itself categorically before coming to an understanding with the Governments of England and France,

on the attitude to be assumed by the three Powers in consequence of the Russian answers.

I will not inquire whether Prince Gortchakoff was guided by a secret purpose when he wrote the three passages in question. I confine myself to asserting that they tend to throw a false light on the intentions of Austria, and to place her in a position which she cannot accept.

The three passages of the Russian despatch which require to be at once contested are the following:—

1. That in which Prince Gortchakoff pretends that our despatch of June 18 anticipates, and so to speak approves beforehand of the refusal of Russia to adhere to a Conference.

2. That in which a sort of assimilation is established between the Polish Provinces of the Empire of Austria, and the country generally designated by the name of the Kingdom of Poland.

3. Lastly, that in which the Russian Government proposes to come to an understanding with Austria and Prussia, in order to settle the condition of their respective Polish subjects.

I invite your Excellency to explain yourself very clearly on these three points to Lord Russell, so as to leave no doubt as to the sentiments of the Imperial Government.

As to the Conference, our despatch of June 18 to Count Thun simply asserts an evident fact by leaving it to be understood that its meeting depends on the participation of Russia. It is clear, in fact, that we could not negotiate in Conference with Russia if that Power were to refuse to do so. But it does not follow that such a refusal would have our approval. On the contrary, the proposal of a Conference, in our opinion, might perfectly be accepted by the Russian Government. We have, moreover, already instructed Count Thun by a telegram to express himself

in this sense, and to rectify this erroneous interpretation of our despatch.

With regard to the similarity between Galicia and the Kingdom of Poland, we must categorically reject any insinuation of the kind.

Lastly, with respect to the form of agreement proposed by Russia, we have also already declared at St. Petersburgh that the concert established between the three Cabinets of Vienna, London, and Paris constitutes a connection between them, from which Austria cannot now disengage herself in order to negotiate separately with Russia.

Your Excellency may read this despatch to Lord Russell.

Receive, &c.

(Signed) RECHBERG.

Lord Napier to Earl Russell.

(*Received July* 23.)

St. Petersburgh, July 18, 1863.

My Lord, — The French Ambassador was called to Tsarskoé Sélo yesterday, to hear the replies of Prince Gortchakoff to the overtures of the three Powers on behalf of Poland. I had occasion to meet his Excellency in the evening, when he informed me that the Vice-Chancellor desired to see me for the same purpose this forenoon. I found the Duke de Montebello under a very decided impression of the bad effect which the Russian communication would have at Paris. The Duke gave me a brief outline of the tenor of the despatches with which he had been made acquainted. The armistice was rejected—that we had foreseen; the conferences were declined—that we had apprehended; but the six points had not been distinctly adopted, and what was altogether unexpected and

most to be deplored, the intervention of France and England was set aside, and proposals were made to enter upon a separate discussion on Polish affairs with Austria and Prussia, as conterminous Powers peculiarly interested, without any apparent provision even for the subsequent participation of the other Powers signataries of the Treaty of Vienna. Such an overture, in the opinion of my French colleague, would be regarded by his Government, not only as unsatisfactory, but as almost insulting, and as tending to a positive and immediate rupture.

I heard the intelligence with surprise and concern, for I fully shared the impression of the Duke in regard to France, and I could not but feel that the determination of the Russian Cabinet would be highly unacceptable to Her Majesty's Government.

After some consultation it was agreed that the French Ambassador should accompany me to Tsarskoé Sélo this morning, in the hope that Prince Gortchakoff might be enabled to give us some explanation of his views, which, on being communicated to our respective Cabinets, might set his intentions in a more favourable light, and mitigate the first impression which the perusal of his despatches would create.

We accordingly waited on Prince Gortchakoff this morning, who placed the three despatches in our hands. After we had carefully read them through apart, we returned to the Prince, when after thanking his Excellency for his communication, I spoke to him in the following sense :—I said that I might have abstained from all remarks on the subject, and simply awaited the resolution of Her Majesty's Government. I must beg him to understand that any observations which I might offer were solely prompted by the hope that a fuller explanation of his sentiments on one or two points might be found calculated to mitigate the feelings of dissatisfaction with which

his resolutions would probably be received by the allied Governments. I much feared that his communication would be understood in England as an attempt to gain time and to detach Austria from our alliance; that a proposal which at the present conjuncture aimed to exclude two great Powers from the discussion of a question in which they had expressed the deepest and most deliberate interest, would be regarded as far from conciliatory, and even as offensive; that a scheme by which the interests of Poland would be committed exclusively to the hands of the Powers by which Poland had been partitioned, and in past times oppressed, would inspire no confidence; in fact, that no form of reply could, in my humble judgment, have contained fewer elements for a friendly or pacific adjustment. Nevertheless, in the eyes of England at least, there was something to be pleaded in favour of the Russian argument, in so far as it professed, even in restricting the discussions to the three Powers, to go upon the basis of the Treaty of Vienna, which had been adopted by your Lordship as the ground of our mediation. I would ask his Excellency, for your Lordship's immediate information, two questions:—

1. What was the form, and what the basis, which he designed to give to the discussions which he proposed between Austria, Russia, and Prussia? And,

2. Whether he proposed to exclude France and England even from any participation in the ratification of the engagements which might be taken by the three Powers; or whether he proposed to admit them in the same manner and in the same degree in which they had been admitted by the Treaty of Vienna?

The Vice-Chancellor stated, in reply, that the Plenipotentiaries of Austria and Prussia would be received by him at St. Petersburgh, and the results of this restricted Conference might, as in the Treaties of Vienna, be con-

signed in the form of Protocols, or in that of a Treaty, or in any other shape which might be considered desirable; that the basis of the discussion ('point de départ') would be the six points proposed by the three Powers, which contained nothing contrary to the views of the Emperor, as well as other points which he might deem it his duty to submit.

In reply to my second question, Prince Gortchakoff stated that the resolutions embraced in the Conference of the three neighbouring Powers most directly concerned in the affairs of Poland would be officially imparted to the Governments of England and France, which would be able to appreciate the conformity of those resolutions (which would embody a practical adaptation of the six points) to the spirit and text of the Treaty of Vienna.

I urged the Vice-Chancellor to declare unambiguously whether his resolutions did or did not exclude the logical result to which a strict adherence to the method of the Treaty of Vienna would conduct him, namely, to the embodiment of the results of the restricted Conference in a general Convention, to which all the Powers bound by the engagements of 1815 should be parties. The Vice-Chancellor did not, perhaps, absolutely commit himself against such a conclusion, but he refused to admit it, and repeatedly asserted that he would accede to nothing which would give the Western Powers any right whatever of interfering in the internal concerns of the Russian Empire, in which he seemed to include the Kingdom of Poland, though I did not cease to contend that we had a limited right of interference there under the Treaty of Vienna.

After a good deal of discussion of a desultory nature, in which the French Ambassador took an active share, the inclosed telegraphic despatch in clear, forwarded to your Lordship under the present date, was drawn up with the

approval of Prince Gortchakoff, who sent it off to Baron Budberg and Baron Brunnow.

I can only hope that the part which I have taken in endeavouring to elucidate the views of the Russian Minister may not meet with your Lordship's disapproval. I entered upon the inquiry in the hope of being able to temper the effects of an unfortunate communication, as I deem it, and of furnishing Her Majesty's Government the means of making explanations in Parliament for which the text of Prince Gortchakoff's despatch might not have afforded the materials.

I have not given the Vice-Chancellor the least ground for supposing that the tenour of his despatch to Baron Brunnow, or its present development of its meaning, will be considered satisfactory by Her Majesty's Government.

I have, &c.

(Signed) NAPIER.

INCLOSURE.

Lord Napier to Earl Russell.

(Telegraphic.) St. Petersburgh, July 18, 1863.

The Duke de Montebello and I have asked Prince Gortchakoff in what form and on what basis the discussions proposed by him respecting the affairs of Poland between Austria, Russia, and Prussia would take place, and whether the remaining signatary Powers of the Treaty of Vienna are, in his view, to be excluded from all ulterior share in accepting or ratifying the results of the restricted Conference.

The Vice-Chancellor replies 'that the Plenipotentiaries of Austria and Prussia may meet him at St. Petersburgh and consign the common resolutions adopted in the form of Protocols, or of a Treaty, or in any other shape considered desirable. The basis of the proposed discussions would

be the six points, which contain nothing in principle contrary to the policy of the Emperor. France and England would be enabled by an official communication of the acts resulting from the deliberation of the restricted Conference, which would contain the practical adaptation of the six points, to appreciate the conformity of those acts with the spirit and the text of the Treaty of Vienna.'

Earl Russell to Lord Napier.

Foreign Office, August 11, 18'3.

My Lord,—On the 18th of last month Baron Brunnow communicated to me a despatch which he had received the evening before from Prince Gortchakoff.

This despatch, of which I inclose a copy,* is far from being a satisfactory answer to the representation which, in concert with France and Austria, Her Majesty's Government addressed to the Cabinet of St. Petersburgh.

The despatch begins, indeed, by stating that 'the Imperial Cabinet admits the principle that every Power signing a Treaty has a right to interpret its sense from its own point of view, provided that the interpretation remains within the limits of the meaning that it is possible to put upon it according to the text itself.' Prince Gortchakoff adds, 'In virtue of this principle the Imperial Cabinet does not dispute this right on the part of any one of the eight Powers which have concurred in the General Act of Vienna of 1815.'

Prince Gortchakoff, however, departing widely from the question of the interpretation of the Treaty of Vienna, proceeds to ascribe the continuance of the insurrection in Poland to the moral and material assistance which it receives from without; admits vaguely the six points;

* See 'Correspondence respecting the Insurrection in Poland, 1863,' Part IV., presented to Parliament, July 20, 1863.

rejects the proposed suspension of hostilities; refuses to accept a Conference of the eight Powers who signed the Treaty; and, finally, declares that the re-establishment of order must precede the serious application of any measures destined for the pacification of Poland.

Her Majesty's Government will now proceed to examine calmly the principal topics of Prince Gortchakoff's reply to the considerations brought before him in my despatch.

1. Prince Gortchakoff, while he admits that confidence on the part of the governed, and the ascendency of law over arbitrary power, must be the foundation of order and stability, adds that the indispensable corollary to these principles is respect for authority. But the Russian Cabinet cannot be ignorant that clemency and conciliation are often more effective in establishing respect for authority than material force. It would be a lamentable error to seek to restore that respect by force of arms alone, without the addition of some adequate security for the political and religious rights of the subjects of the King of Poland. Such security the proposals of the three Powers held out to Russia and to Poland alike.

It has pleased the Cabinet of St. Petersburgh not to avail itself of this mode of restoring respect for authority.

2. Prince Gortchakoff affirms—and this view is the theme of the beginning and end of his despatch—that the re-establishment of order in Poland is dependent upon a condition to which he had called the attention of the Government of Her Britannic Majesty, 'and which is not only unfulfilled, but is not even alluded to in the despatch of Lord Russell; we refer to the material assistance and moral encouragements obtained from abroad by the insurgents.'

Her Majesty's Government would have been glad to have avoided this topic, and instead of commenting on the past, to refer only to healing measures for the future.

But thus compelled by Prince Gortchakoff's reference to allude to the subject, Her Majesty's Government have no hesitation in declaring their conviction that the principal obstacle to the re-establishment of order in Poland is not the assistance obtained by the insurgents from abroad, but the conduct of the Russian Government itself.

The Empress Catherine in 1772 promised to the Poles the maintenance of their religion. The Emperor Alexander I. in 1815 promised to the Poles national representation and national administration.

These promises have not been fulfilled. During many years the religion of the Poles was attacked, and to the present hour they are not in possession of the political rights assured to them by the Treaty of 1815 and the Constitution of the same year.

The violation of these solemn engagements on the part of the Russian Government produced disaffection, and the sudden invasion of the homes of Warsaw in a night of January last was the immediate cause of the present insurrection.

Unless the general feeling in Poland had been estranged from Russia, the moral and material assistance afforded from abroad would have availed the insurgents little. It is true, however, that lively sympathy has been excited in Europe in favour of the Poles. In every considerable State where there exists a national representation,—in England, in France, in Austria, in Prussia, in Italy, in Spain, in Portugal, in Sweden, in Denmark,—that sympathy has been manifested. Wherever there is a National Administration, the Administration has shared, though with prudence and reserve in expression, the feelings of the legislature and the nation.

Russia ought to take into account these sympathies, and profit by the lesson which they teach.

3. Prince Gortchakoff lays much stress on the fact, which

cannot be denied, that 'the insurgents demand neither an amnesty, nor an autonomy, nor a representation more or less complete.'

But it would be a mistake to suppose that in cases of this kind there are only two parties, viz. the Government occupied in suppressing the insurrection, and the leaders of the insurgents busy in fomenting and extending it. Besides these parties there is always in such cases a large floating mass who would be quite contented to see persons and property secure under a just and beneficent Administration. The confidence of this great mass has not been obtained, and their continued inaction can hardly be depended upon.

Her Majesty's Government must again represent the extreme urgency of attempting at once the work of conciliation which is so necessary for the general interest.

In profiting by the loyal and disinterested assistance which is offered her by Austria, France, and Great Britain, the Court of Russia secures to herself the most powerful means towards making ideas of moderation prevail in Poland, and thus laying the foundations of permanent peace.

4. In referring to the Treaty of Vienna, Prince Gortchakoff says that 'we should not be far from the truth if we affirmed that the 1st Article of the Treaty of Vienna was prepared by and directly emanated from His Majesty the Emperor Alexander I.'

Her Majesty's Government readily admit the probability of this supposition. In 1815, Great Britain, Austria, France, and Prussia would have preferred to the arrangement finally made, a restoration of the ancient Kingdom of Poland as it existed prior to the first partition of 1772, or even the establishment of a new independent Kingdom of Poland, with the same limits as the present kingdom.

The great army which the Emperor Alexander then had in Poland, the important services which Russia had rendered to the Alliance, and, above all, a fear of the renewal of war in Europe, combined to make Great Britain, Austria, and Prussia accept the arrangement proposed by the Emperor Alexander, although it was, in their eyes, of the three arrangements in contemplation the one least likely to produce permanent peace and security in Europe.

But the more Her Majesty's Government see in the decision adopted the prevailing influence of Russia, the more they are impressed with the conviction that the Emperor of Russia ought to be, of all Sovereigns, the most desirous to observe the conditions of that arrangement.

It would not be open to Russia to enjoy all the benefits of a large addition to her dominions, and to repudiate the terms of the instrument upon which her tenure depends.

In stating these terms Prince Gortchakoff says that the only stipulation which can have made it appear doubtful that the Emperor of Russia possessed the Kingdom of Poland by the same title as that by which he holds his other possessions, the only one which could make his rights dependent upon any condition whatever, is contained in two passages, which he proceeds to quote.

But there is another passage which he does not quote. It is found in the beginning of the 1st Article, and says:—

'The Duchy of Warsaw, with the exception of the provinces and districts which are otherwise disposed of by the following Articles, is united to the Russian Empire, to which it shall be irrevocably attached by its Constitution, and be possessed by His Majesty the Emperor of all the Russias, his heirs and successors in perpetuity.'

Were not a national representation intended by this Article, it would have been sufficient to say, 'to which it shall be irrevocably attached,' without any mention of a Constitution.

It is, therefore, evident that the Constitution is the link by which Poland was connected with Russia. It is important to know what this Constitution was which united Poland and Russia. It was not prescribed by the Treaty; it was not promulgated by the European Powers; its construction was left entirely to the Emperor Alexander: but nevertheless, when once promulgated, it must be taken to be the Constitution meant by the framers of the Treaty of Vienna.

It was for this reason that Her Majesty's Government proposed as the second of the six points laid before the Government of Russia, 'national representation with powers similar to those which are fixed by the charter of November $\frac{1}{2}\frac{5}{7}$, 1815.'

5. Passing to the specific propositions of Her Majesty's Government, Prince Gortchakoff says in regard to the six points, that the greater part of the measures which were pointed out by the three Powers 'have already been either decreed or prepared on the initiative of our august Master.'

Towards the end of the despatch an allusion is made to 'the measures which His Majesty adheres to, both in the germs already laid down, and in the development of them which he has allowed to be foreseen.'

This passage, though far from being a definite assurance either of a national representation with efficacious means of control, or of a national administration, gives some hope that the Emperor Alexander will ultimately listen to the inspirations of his own benevolent disposition and to the counsels of Europe.

The proposal of a suspension of hostilities is rejected 'in justice to the Emperor's faithful army, to the peaceable majority of Poles, and to Russia, on whom these agitations impose painful sacrifices.'

The proposal of a Conference of the Powers who signed

the Treaty of Vienna is rejected, and with it the prospect of an immediate and friendly concert.

In the place of this fair and equitable proposal, the Russian Cabinet suggests that the three Powers who proposed the separate Treaties between Austria and Russia, and Prussia and Russia, previously to the General Treaty of Vienna, should meet together, and that France and Great Britain should be afterwards informed of the result of their deliberations.

There are two reasons, either of which would be sufficient to condemn this suggestion:—

1. The Treaties in question, taken apart from the provisions inserted in the General Treaty of Vienna, have reference only to material objects,—the use of the banks of rivers, the regulations for towing paths, the free passage of merchandise from one province to another, and such other matters of convenience and of commerce. No political developments or details are contained in them.

2. It is obvious that such a Conference would place Austria in a false position, and be inconsistent with her relations to France and Great Britain.

His Majesty the Emperor of Austria, therefore, with a proper sense of his own dignity, has at once rejected the Russian proposal.

In communicating their views to Prince Gortchakoff, it remains to Her Majesty's Government to discharge an imperative duty.

It is to call his Excellency's most serious attention to the gravity of the situation, and the responsibility which it imposes upon Russia.

Great Britain, Austria, and France have pointed out the urgent necessity of putting an end to a deplorable state of things which is full of danger to Europe. They have at the same time indicated the means which, in their opinion, ought to be employed to arrive at this termination, and

they have offered their co-operation in order to attain it with more certainty.

If Russia does not perform all that depends upon her to further the moderate and conciliatory views of the three Powers, if she does not enter upon the path which is opened to her by friendly counsels, she makes herself responsible for the serious consequences which the prolongation of the troubles of Poland may produce.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Lord Napier.

Foreign Office, August 11, 1863.

My Lord,—I have to instruct your Excellency to read to Prince Gortchakoff, and to give his Excellency a copy of, my previous despatch of this day's date. But before doing so you will concert with your Austrian and French colleagues as to the time and mode in which the communication of the replies to Prince Gortchakoff's despatch respecting Poland shall be made to his Excellency.

I am, &c.

(Signed) RUSSELL.

Prince Gortchakoff to Baron Brunnow.

Tsarkoé-Séls, $\frac{\text{August } 26}{\text{September } 7}$, 1863.

Lord Napier has, by order of his Government, communicated to me a despatch from Lord Russell, of which your Excellency will find a copy hereunto annexed.

It is an answer to my despatch of July $\frac{1}{13}$ last, which you were invited to communicate to the Principal Secretary of State of Her Britannic Majesty.

The overtures which we had set forth in that document were dictated to us by the desire to arrive at an understanding.

In receiving the observations which they have suggested to Lord Russell with the attention which we always pay to the opinions of Her Britannic Majesty's Government, we cannot but regret that we must come to the conclusion that we have not attained the end which we had proposed to ourselves.

From the moment that this discussion could only end in establishing and in confirming the divergence of our views, it would be too contrary to our conciliatory disposition for us to seek to prolong it; and we believe that in this we are not acting at variance with the sentiments of the Principal Secretary of State of Her Britannic Majesty.

We prefer to fix our attention only upon the essential points of his despatches, upon which we find ourselves agreed, at least in intention.

Her Britannic Majesty's Government desire to see promptly re-established in the Kingdom of Poland a state of things which shall restore tranquillity to that country, repose to Europe, and security to the relations of the Cabinets.

We entirely share in this desire, and all that can depend upon us shall be done to realise it.

Our august Master continues to be animated by the most benevolent intentions towards Poland, and by the most conciliatory towards all foreign Powers. To provide for the welfare of his subjects of all races and of every religious conviction is an obligation which His Imperial Majesty has accepted before God, his conscience, and his people. The Emperor devotes all his solicitude to the fulfilment of that obligation.

As regards the responsibility which may be assumed by His Majesty in his international relations, those relations are regulated by public right. The violation of those fundamental principles can alone involve responsibility.

Our august Master has constantly respected and observed those principles with regard to other States. His Majesty has the right to expect and to claim the same respect on the part of the other Powers.

You will be pleased to read and give a copy of this despatch to the Principal Secretary of State of Her Britannic Majesty.

Receive, &c.

Earl Russell to Lord Napier.

Foreign Office, October 20, 1863.

My Lord,—Baron Brunnow has communicated to me a despatch from Prince Gortchakoff dated $\frac{\text{August 26}}{\text{September 7}}$, in reply to my despatch to your Excellency of the 11th ultimo, of which you were instructed to give a copy to his Excellency.

Her Majesty's Government have no wish to prolong the correspondence on the subject of Poland for the mere purpose of controversy.

Her Majesty's Government receive with satisfaction the assurance that the Emperor of Russia continues to be animated with intentions of benevolence towards Poland, and of conciliation in respect to all foreign Powers.

Her Majesty's Government acknowledge that the relations of Russia towards European Powers are regulated by public law; but the Emperor of Russia has special obligations in regard to Poland.

Her Majesty's Government have, in the despatch of August 11 and preceding despatches, shown that in regard to this particular question the rights of Poland are contained in the same instrument which constitutes the Emperor of Russia King of Poland.

I am, &c.

(Signed) RUSSELL.

P.S.—Your Excellency is instructed to give a copy of this despatch to Prince Gortchakoff.

Lord Napier to Earl Russell.

(*Received November* 9.)

St. Petersburgh, October 27, 1863.

My Lord,—In conformity with your Lordship's telegraphic instructions I waited on Prince Gortchakoff this forenoon, and placed in his Excellency's hands your Lordship's despatch of the 20th instant, having reference to the affairs of Poland.

The Vice-Chancellor read your Lordship's despatch through aloud without offering any remark. At the conclusion his Excellency observed that in the communication with which I was charged he saw a proof of the friendly disposition of Her Majesty's Government, and an act conformable to the true interests of Poland, for the moderation of Her Majesty's Government must discourage the exaggerated expectations of the Revolutionary party, and hasten the moment when the Emperor would be enabled to carry into effect his benevolent intentions towards his Polish subjects.

I have, &c.

(Signed) NAPIER.

His Majesty the Emperor of the French to Her Majesty the Queen.

Paris, November 4, 1863.

Madam, my Sister,—In face of the events which daily arise and press themselves on attention, I deem it indispensable to impart my whole thought to the Sovereigns to whom the destiny of nations is confided.

On all occasions when great convulsions have shaken the foundations and deranged the limits of States, solemn

compacts have followed to reduce to order the new elements, and to recognise, while revising them, the changes that have been effected.

Such was the object of the Treaty of Westphalia in the seventeenth century, and of the negotiations of Vienna, in 1815. It is on this last foundation that the political edifice of Europe now rests; and nevertheless, your Majesty is not ignorant, it is crumbling to pieces on all sides.

If one considers attentively the situation of the different countries, it is impossible not to admit that on almost all points the Treaties of Vienna are destroyed, modified, disregarded, or menaced. Hence there are duties without rule, rights without title, pretensions without restraint. A peril the more formidable, since the improvements produced by civilisation, which has united peoples together by an identity of material interests, would render war still more destructive.

This is a matter for serious reflection. Let us not delay taking a decision until sudden and irresistible events disturb our judgment, and draw us, in spite of ourselves, in opposite directions. I now therefore propose to your Majesty to regulate the present, and secure the future, by means of a Congress.

Summoned to the throne by Providence and the will of the French people, but brought up in the school of adversity, it is perhaps less allowable for me than for others to ignore the rights of Sovereigns and the legitimate aspirations of peoples. Thus I am ready, without any preconceived system, to bring to an International Council a spirit of moderation and justice, the ordinary portion of those who have undergone so many different trials.

If I take the initiative in such an overture, I do not yield to an impulse of vanity; but because I am the Sovereign to whom ambitious projects have mostly been

attributed. I have it at heart to prove, by this frank and loyal overture, that my sole object is to arrive, without convulsion, at the pacification of Europe. If this proposal be agreed to, I beg your Majesty to accept Paris as the place of meeting.

If the Princes allies and friends of France should think fit to enhance by their presence the authority of the deliberations, I shall be proud to offer them cordial hospitality. Europe will, perhaps, see some advantage in the capital whence the signal of confusion has so often arisen, becoming the seat of Conferences destined to lay the basis of a general pacification.

I take, &c.

(Signed) NAPOLEON.

Her Majesty the Queen to the Emperor of the French.

Windsor Castle, Novembor 11, 1863.

Sir, my Brother, — The letter which your Imperial Majesty addressed to me on the 4th of this month has duly reached my hands. Your Imperial Majesty may feel assured that any suggestion or proposal made by your Imperial Majesty will always command my most earnest and attentive consideration, and more especially when the general welfare of nations is concerned. I have accordingly directed my confidential advisers to submit to me the opinion which, after due deliberation, they may arrive at in regard to the important measure which your Imperial Majesty recommends for adoption by your allies; and my Principal Secretary of State for Foreign Affairs will, with as little delay as possible, authorise my Ambassador at Paris, to make known to your Government the conclusion which, after weighing that opinion, I may feel it my duty to adopt.

I avail, &c.

(Signed) VICTORIA R.

Earl Russell to Earl Cowley.

Foreign Office, November 12, 1863.

My Lord,—Her Majesty the Queen having been pleased to refer to her confidential servants a letter of the Emperor Napoleon addressed to Her Majesty on the subject of a Congress, I proceed to inform you of the view which Her Majesty's Government take of the proposal contained in it.

The letter invites Her Majesty to take part in a Congress, to be held in Paris, on the affairs of Europe.

I am commanded, in the first place, to inform your Excellency that Her Majesty's Government see in this step a proof of the interest taken by His Imperial Majesty in the welfare of Europe.

I will now proceed to remark on the ground stated for this proposal, and then examine the proposal itself.

His Imperial Majesty observes, that on all occasions when great convulsions have shaken the foundations and deranged the limits of States, solemn compacts have been entered into, having for their object to reduce to order the new elements, and to recognise, while revising them, the changes that have been effected. Such was the object of the Treaty of Westphalia in the seventeenth century, and of the negotiations of Vienna in 1815. On this last foundation the political edifice of Europe now rests, and nevertheless, His Imperial Majesty observes, it is crumbling to pieces on all sides.

The Emperor goes on to state that, if the situation of the different countries is attentively considered, it is impossible not to admit that in almost all points the Treaties of Vienna are destroyed, modified, disregarded, or menaced.

When so important a proposal as that which the Em-

peror has put forth is made to rest on certain grounds, it is our duty to examine carefully the grounds themselves.

Nearly half a century has elapsed since the Treaties of 1815 were signed. The work was somewhat hurried by the necessity of giving repose to Europe after so many convulsions. Yet the changes made in this period of fifty years have not been more than might have been expected from the lapse of time, the progress of opinion, the shifting policy of Governments, and the varying exigencies of nations. If we take half a century from the Peace of Westphalia to 1700, or a similar period from the Peace of Utrecht to 1763, we shall find those periods marked by extensive changes, as well as the period which has elapsed between 1815 and 1863.

Yet it was not thought necessary, at the epochs mentioned, to proceed to a general revision either of the Treaty of Westphalia or of the Treaty of Utrecht.

It is the conviction of Her Majesty's Government that the main provisions of the Treaty of 1815 are in full force; that the greater number of those provisions have not been in any way disturbed; and that on those foundations rests the balance of power in Europe.

If, instead of saying that the Treaty of Vienna has ceased to exist, or that it is destroyed, we inquire whether certain portions of it have been modified, disregarded, or menaced, other questions occur. Some of the modifications which have taken place have received the sanction of all the Great Powers, and now form part of the public law of Europe.

Is it proposed to give those changes a more general and solemn sanction? Is such a work necessary? Will it contribute to the peace of Europe?

Other portions of the Treaty of Vienna have been disregarded or set aside, and the changes thus made *de facto*

have not been recognised *de jure* by all the Powers of Europe.

Is it proposed to obtain from Powers which have not hitherto joined in that recognition a sanction to those changes?

Lastly come those parts of the Treaty of Vienna which are menaced, and upon those portions the most important questions of all arise. What is the nature of the proposals to be made on this subject by the Emperor Napoleon? In what direction would they tend? And, above all, are they, if agreed to by a majority of the Powers, to be enforced by arms?

When the Sovereigns or Ministers of Austria, France, Prussia, Russia, and Great Britain met at Verona, in 1823, upon the affairs of Spain, the first four of those Powers carried into effect their resolutions by means of armed forces, in spite of the protest of Great Britain. Is this example to be followed at the present Congress in case of disagreement? Upon all these points Her Majesty's Government must obtain satisfactory explanations before they can come to any decision upon the proposal made by the Emperor.

Her Majesty's Government would be ready to discuss with France and other Powers, by diplomatic correspondence, any specified questions upon which a solution might be attained, and European peace thereby more securely established.

But they would feel more apprehension than confidence from the meeting of a Congress of Sovereigns and Ministers without fixed objects, ranging over the map of Europe, and exciting hopes and aspirations which they might find themselves unable either to gratify or to quiet.

Her Majesty's Government have no reason to doubt that the Emperor Napoleon would bring into such an assembly a spirit of moderation and of justice. They feel confident

that his object is to give security to the peace of Europe. The only question is as to the means by which that object is to be obtained.

You are directed to read and give a copy of this despatch to M. Drouyn de Lhuys.

I am, &c.
(Signed) RUSSELL.

M. Drouyn de Lhuys to the Marquis de Cadore.

Palace of Compiègne, November 23, 1863.

Sir,—Lord Cowley communicated to me, some days ago, a despatch from his Excellency Earl Russell, dated the 12th of this month, and which expresses the opinion of the British Government relative to the proposal to call at Paris a Congress to deliberate on the affairs of Europe. You will find annexed a copy of it. My previous correspondence has answered beforehand some of the considerations developed in this document. It is my duty, nevertheless, to sum up in this despatch, of which you will send a copy to his Excellency the Principal Secretary of State, the motives which have determined the resolution of His Majesty.

The Imperial Government have no intention either to apologise for or to criticise the Treaties of Vienna. The Emperor declared, on mounting the throne, that he should consider himself bound by the engagements subscribed to by his predecessors. Lately again, in his letter to the Sovereigns, His Majesty showed that the Diplomatic Acts of 1815 were the foundation on which rests to-day the political edifice of Europe. But this is, he considers, an additional reason for examining whether this foundation is not itself shaken to its base.

Now, the Cabinet of London recognises with us that several of these stipulations have been seriously infringed.

Amongst the modifications which have taken place, some have been consecrated by the sanction of all the great Powers, and at present constitute a part of international law; others, on the contrary, carried into execution, have not been recognised as law by all the Cabinets. As regards the first, we cannot help calling attention to the irresistible power with which they have forced themselves on the acceptance of the Governments. The eagerness of England herself to give to them her adhesion proves how little the former combinations answered, according to the expression of Lord Russell, the requirements of the lapse of time, the progress of opinion, the shifting policy of Governments, and the varying exigencies of nations; on the other hand, are not we authorised in believing that changes so important have diminished to some extent the harmony and equilibrium of the whole? We admit, with Lord Russell, that it is not absolutely necessary to give to these changes a more general and more solemn sanction; but we consider it would be an advantage to clear away the ruins, and re-unite in a single body all the living members.

As regards the modifications to which the Powers have not given an unanimous assent, they constitute so many causes of dispute which at any moment may divide Europe into two camps. Instead of leaving the decision of these to violence and chance, would it not be better to pursue their equitable solution to a common agreement, and sanction these changes by revising them?

The third category comprises those parts of the Treaty of Vienna which are menaced. 'Upon those portions,' says his Excellency the Principal Secretary of State, 'the most important questions of all arise. What is the nature of the proposals to be made on this subject by the Emperor Napoleon? In what direction would they tend, and, above all, are they, if agreed to by a majority of the Powers, to be enforced by arms?'

The Emperor, while he pointed out to Europe the dangers of a situation in deep commotion, indicated the method of averting the dire calamities which he foresees, and at which he, less than others perhaps, would have reason to take alarm; for the questions out of which at the present time war may arise, interest France but indirectly, and it would depend on herself alone whether she would take part in the struggle or stand aloof from it. This he did by addressing all the Sovereigns in full confidence, and simultaneously, without previous understanding with any of them, in order the better to testify his sincere impartiality, and to enter upon, free of every engagement, the important deliberations to which he invites them. Himself the youngest of Sovereigns, he considers he has no right to assume the part of an arbiter, and to fix beforehand for the other Courts the programme of the Congress which he proposes. This is the motive of the reserve which he has imposed upon himself. Is it, moreover, so difficult to enumerate the questions, not yet solved, which may disturb Europe?

A deplorable struggle is bathing Poland in blood, is agitating the neighbouring States and threatening the world with the most serious disturbances. Three Powers, with a view of putting a stop to it, invoke in vain the Treaties of Vienna, which supply the two sides with contradictory arguments. Is this struggle to last for ever?

Pretensions opposed to one another are exciting a quarrel between Denmark and Germany. The preservation of peace in the North is at the mercy of an accident. The Cabinets have already, by their negotiations, become parties to the dispute. Are they now become indifferent to it?

Shall anarchy continue to prevail on the Lower Danube, and shall it be able at any moment to open anew a bloody arena for the dispute of the Eastern question?

Shall Austria and Italy remain in presence of each other in a hostile attitude, ever ready to break the truce which prevents their animosities exploding?

Shall the occupation of Rome by the French troops be prolonged for an indefinite period?

Lastly, must we renounce, without fresh attempts at conciliation, the hope of lightening the burthen imposed on the nations by the disproportionate armaments occasioned by mutual distrust?

Such are, Sir, in our opinion, the principal questions which the Powers would doubtless judge it useful to examine and decide.

Lord Russell surely does not expect us to specify here the mode of solution applicable to each of these problems, nor the kind of sanction which might be given by the decisions of the Congress. To the Powers there represented would pertain the right of pronouncing upon these various points. We will only add, that it would be in our eyes illusory to pursue their solution through the labyrinth of diplomatic correspondence and separate negotiation, and that the way now proposed, so far from ending in war, is the only one which can lead to a durable pacification.

At one of the last meetings of the Congress of Paris, the Earl of Clarendon, invoking a stipulation of the Treaty of Peace which had just been signed, and which recommended recourse to the mediation of a friendly State before resorting to force, in the event of dissension arising between the Porte and others of the Signatary Powers, expressed the opinion 'that this happy innovation might receive a more general application, and thus become a barrier against conflicts which frequently only break forth because it is not always possible to enter into explanation, and to come to an understanding.' The Plenipotentiaries of all the Courts concurred unanimously

in the intention of their colleague, and did not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstanding may arise, should have recourse to friendly mediation before appealing to arms.

The solicitude of the Emperor goes further; it does not wait for dissensions to break out in order to recommend an application to the actual circumstances of the salutary principle engraven on the latest monument of the Public Law of Europe, and His Majesty now invites his allies 'to enter into explanations, and to come to an understanding.'

Accept, &c.

(Signed) DROUYN DE LHUYS.

Earl Russell to Earl Cowley.

Foreign Office, November 25, 1863.

My Lord,—Her Majesty's Government have received from the Marquis of Cadore the copy of a despatch addressed to him by M. Drouyn de Lhuys, in answer to my despatch to your Excellency of the 12th instant. Her Majesty's Government having obtained an answer to the inquiries they made, will not any longer delay giving a definitive reply to the invitation addressed by the Emperor of the French to Her Majesty the Queen, to take part in a Congress of the European Powers to be assembled at Paris.

I enclose a copy of the Emperor's letter of invitation to the Queen, which is similar to one which has already appeared in the 'Moniteur,' addressed to the German Confederation.

Her Majesty's Government fully recognise in this step the desire of the Emperor of the French to put an end to the disquietude which affects several parts of Europe, and

to establish the general peace on foundations more solid than those on which, in his opinion, it now rests.

The Emperor declares that France is disinterested in this question; that he, for his part, seeks no aggrandisement, and that the interests to be secured are those, not of France, but of Europe.

Her Majesty's Government may also declare that Great Britain is disinterested in this matter, that she seeks no aggrandisement, and that she has only to counsel moderation and peace.

But France and Great Britain being thus disinterested themselves, are bound to consider what is the position, and what, in a Congress, will be the probable conduct of Powers who may be called upon to make sacrifices of territory or of pre-eminence and moral strength.

It would be little to the purpose to say on this occasion anything more of the Treaties of 1815.

Practically, the Emperor of the French admits the binding force of many portions of those Treaties; and Her Majesty's Government as readily allow that some portions of them have been modified or disregarded, and that other portions are now menaced or called in question.

Her Majesty's Government understand from the explanations given by M. Drouyn de Lhuys, that, in the opinion of the Government of the Emperor, it is obvious to every one that there are several questions not hitherto solved, which may disturb Europe. Of this nature are the following:—

Must the conflict in Poland be still further prolonged?

Is Denmark to be at war with Germany, and have the Powers which formerly took a part in the discussion of this question become indifferent to it?

Must anarchy continue in the Danubian Principalities, and thus at any moment tend to re-open the question of the East?

Must Italy and Austria always remain in presence of each other in a hostile attitude?

Must the occupation of Rome by French troops be prolonged for an indefinite time?

The Emperor's Government put a further question:—

Must we, without having made new attempts at conciliation, renounce the hope of lightening the burthens imposed upon the nations of Europe by excessive armaments, kept up by the feeling of mutual distrust?

These, no doubt, are the principal questions which either disturb or threaten the peace of Europe; but there is a further question which Her Majesty's Government consider to lie at the bottom of this whole matter, and that is the following:—

Is a General Congress of European States likely to furnish a peaceful solution of the various matters in dispute?

This, indeed, is the question which it behoves the Governments of the different States to consider seriously and attentively.

There appears to Her Majesty's Government to be one main consideration which must lead them to their conclusion.

After the war which desolated Germany from 1619 to 1649, and after the successive wars which afflicted the Continent of Europe from 1793 to 1815, it was possible to distribute territories and to define rights by a Congress, because the nations of Europe were tired of the slaughter, and exhausted by the burthens of war, and because the Powers who met in Congress had by the circumstances of the time the means of carrying their decisions and arrangements into effect.

But at the present moment, after a continuance of long peace, no Power is willing to give up any territory to which it has a title by Treaty, or a claim by possession.

For example, of the questions mentioned as disturbing

or threatening Europe, two of the most disquieting are those regarding Poland and Italy.

Let us examine the present state of these questions, and see whether it is probable that a Congress would tend to a peaceful settlement of them.

In the first place, with regard to Poland, the question is not new to France, to Austria, or to Great Britain.

For several months these Powers, while carefully abstaining from any threat, have attempted to obtain from Russia by friendly representations the adoption of measures of a healing nature, but have only succeeded in procuring promises, often repeated, that when the insurrection shall have been put down, recourse will be had to clemency and conciliation. Would there be any advantage in repeating in the name of a Congress representations already made with so little effect?

Is it probable that a Congress would be able to secure better terms for Poland unless by a combined employment of force?

Considerable progress has been made by the military preponderance and by the unsparing severity of Russia in subduing the insurgents.

Is it likely that Russia will grant in the pride of her strength what she refused in the early days of her discouragement?

Would she create an independent Poland at the mere request of a Congress?

But if she would not, the prospect becomes one of humiliation for Europe, or of war against Russia; and those Powers who are not ready to incur the cost and hazard of war may well desire to avoid the other alternative.

It may be truly said, moreover, that the present period is one of transition. If the insurrection shall be subdued, it will then be seen whether the promises of the Emperor

of Russia are to be fulfilled. If the insurrection shall not be subdued, or if, in order to subdue it, the Polish population is treated with fresh and, if that be possible, with aggravated rigour, other questions will arise which may require further consideration, but which would hardly receive a solution from a large assembly of Representatives of all the Powers of Europe.

Indeed, it is to be apprehended that questions arising from day to day, coloured by the varying events of the hour, would give occasion rather for useless debate than for practical and useful deliberation in a Congress of twenty or thirty Representatives, not acknowledging any supreme authority, and not guided by any fixed rules of proceeding.

Passing to the question of Italy, fresh difficulties occur. In the first place, is it intended to sanction by a new Treaty the present state of possession in Italy? The Pope and the Sovereigns related to the dispossessed Princes might, on the one side, object to give a title they have hitherto refused, to the King of Italy; and the King of Italy, on the other, would probably object to a settlement which would appear to exclude him, by inference at least, from the acquisition of Rome and Venetia.

But is it intended to ask Austria, in Congress, to renounce the possession of Venetia? Her Majesty's Government have good grounds to believe that no Austrian Representative would attend a Congress where such a proposition was to be discussed. They are informed that if such an intention were announced beforehand, Austria would decline to attend the Congress, and that if the question were introduced without notice, the Austrian Minister would quit the Assembly. Here again, therefore, the deliberations of the Congress would soon be brought in sight of the alternative of nullity or war.

But is it possible to assemble a Congress and to summon an Italian Representative to sit in it without discussing the state of Venetia? The Emperor of the French would be the first person to feel and to admit that such a course would not be possible.

With regard to Germany and Denmark, it is true that several of the Powers of Europe have interested themselves in that question, but the addition of Spain, Portugal, Italy, and Turkey to the deliberation would scarcely improve the prospect of a satisfactory solution. And if, with regard to Poland and Italy, no beneficial result is likely to be attained, is it expedient to call together a General Congress of all the States of Europe to find a remedy for the anarchy of Moldo-Wallachia?

Were all these questions, those of Poland, Italy, Denmark, and the Danubian Provinces, to be decided by the mere utterance of opinions, the views of Her Majesty's Government upon most of them might, perhaps, be found not materially to differ from those of the Emperor of the French.

But if the mere expression of opinions and wishes would accomplish no positive results, it appears certain that the deliberations of a Congress would consist of demands and pretensions put forward by some and resisted by others; and, there being no supreme authority in such an Assembly to enforce the decisions of the majority, the Congress would probably separate, leaving many of its members on worse terms with each other than they had been when they met. But if this would be the probable result, it follows that no decrease of armaments is likely to be effected by the proposed Congress. M. Drouyn de Lhuys refers to a proposal made by Lord Clarendon in one of the last sittings of the Congress of Paris. But Her Majesty's Government understand that proposal to have reference to a dispute between two Powers to be referred

to the good offices of a friendly Power, but in no way to the assembling of a General Congress.

Not being able, therefore, to discern the likelihood of those beneficial consequences which the Emperor of the French promised himself when proposing a Congress, Her Majesty's Government, following their own strong convictions, after mature deliberation, feel themselves unable to accept His Imperial Majesty's invitation.

You are instructed to give a copy of this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

Earl Cowley to Earl Russell.

(*Received November* 30.)

(Extract.) Paris, November 28, 1863.

I waited by appointment on M. Drouyn de Lhuys, this afternoon, and communicated to his Excellency your Lordship's despatch of the 25th instant, stating the reasons why Her Majesty's Government cannot accept the invitation addressed by the Emperor of the French to Her Majesty the Queen, to take part in a Congress of European Powers to be assembled at Paris.

M. Drouyn de Lhuys, after perusing your Lordship's despatch, said that he could not but express his dissent from the reasoning which had led Her Majesty's Government to the decision which your Lordship's despatch announced. He still retained the opinion that the assembling of a Congress would have been the best means of settling the questions which now agitate Europe. It would be useless, however, to prolong the discussion. The mind of Her Majesty's Government appeared to be made up. He would communicate your Lordship's despatch to the Emperor.

DENMARK.

Lord J. Russell to Mr. Paget.

Foreign Office, August 2, 1860.

Sir,—With reference to the affairs of Denmark, I have received lately a Memorandum from the Danish Minister accredited to Her Majesty. A copy of it is herewith inclosed.

It is to be observed that, with regard to Holstein, the concessions proposed for a temporary arrangement are very large.

For instance: 'The Danish Government proposes to provide for this temporary state of things by giving to the Provincial Assembly of Holstein full legislative power, in conjunction with the General Assembly ("Rigsraad," or Council of State), for the rest of the Monarchy, as to all matters concerning the whole Monarchy, so that no general measure of that description would receive the force of law till it had been sanctioned on the one part by the General Assembly ("Rigsraad"), for Denmark-Schleswig, and on the other by the Provincial Assembly of Holstein.' And again: 'According to the present financial system of the Danish Monarchy, the expenses of the general Government are in part defrayed by proportionate contributions from the revenues of the different constituent parts of the Monarchy, viz., Denmark Proper, Schleswig, and Holstein. It is proposed by the Danish Government to fix, once for all, the maximum contribution to be furnished by Holstein, by taking the average of what that Duchy has contributed during the last four years to the expenses of the General Government, and to make any demand over and above that amount which circumstances might call for, dependent on a special grant by the Provincial Assembly of Holstein.'

The defect of this Memorandum is, that it does not touch at all on the affairs of Schleswig; but it might be accepted as a basis by the German Powers, if Denmark with a view to a friendly and final arrangement, would make certain concessions to the German inhabitants of Schleswig.

Should this view be entertained by Denmark, Her Majesty's Government would suggest to the Danish Government the expediency of modifying or repealing such of the laws now existing in Schleswig as can fairly be shown to be in contradiction with the Royal Patent of 1852, by which the King of Denmark promised to place the German and Danish populations of Schleswig on an equal footing.

The principal points upon which there appears to be cause of complaint are—the forced confirmation in the Danish language; the forced system of private education; the prohibition of the meetings of scientific societies; and the system which is employed in the correction of the electoral lists.

If the Danish Government would, in addition, grant Schleswig a Constitution, guaranteeing to the Duchy legislative and administrative independence, and would leave the question of the language to be used in the churches and schools to be determined by the wishes of the population in the so-called Mixed Districts, it appears to Her Majesty's Government that they could not fairly be liable to the charge of not having fulfilled their engagements, or of seeking to incorporate the Duchy.

You are instructed to read this despatch to M. Hall, and to ask him whether, without any negotiation with Germany or with the European Powers, he would feel himself authorised to empower the British Government to instruct Her Majesty's Minister at Frankfort to hold out an expectation that the measures here suggested in regard

to Schleswig are likely to receive the sanction of His Danish Majesty.

I am, &c.
(Signed) J. RUSSELL.

Lord J. Russell to Mr. Paget.

Foreign Office, December 8, 1860.

Sir,—I send you a copy of a despatch from Baron Schleinitz to Count Bernstorff, and a copy of the answer I have given to it in a despatch to Mr. Lowther.

You will observe that I have stated in this despatch the engagements which, in the opinion of Her Majesty's Government, His Danish Majesty is bound in honour to fulfil.

'He is bound,' I have stated, 'not to incorporate Schleswig with Denmark; to maintain in Schleswig Representative States; and to protect the German and Danish nationalities in the Duchy of Schleswig.'

It appears to Her Majesty's Government that whatever may be the binding force of the engagements entered into with Austria and Prussia, the King of Denmark is bound in honour to fulfil these conditions. He proclaimed them publicly; he made them known, not only to his subjects but to the Representatives of foreign Powers; nor is their fulfilment less his interest than his obligation. His German subjects in Schleswig ought to feel that they enjoy, under his rule, equality of rights with their Danish fellow-subjects. They will then feel a loyal attachment to the Danish Monarchy, and a sincere desire to preserve it unimpaired.

If, on the contrary, the education of their children at the common schools, and their worship at their parish church, is trammelled with vexatious regulations, and the Government appears to be animated by a desire to depress

the nationality of subjects of German origin, unhappy consequences may follow.

Should the German Diet proceed to enforce its Resolutions of March last, the neighbouring Duchy of Schleswig is sure to be the scene of agitation, perhaps of tumult and revolt. In such an emergency, the King of Denmark will feel the value of having made such concessions to the German inhabitants of Schleswig as shall raise him above all suspicion of bad faith, and all charges of placing an intelligent and industrious portion of his subjects in a position of odious inferiority.

You will read this despatch, together with that to Mr. Lowther, to M. Hall, and give him copies of them.

I am, &c.

(Signed) J. RUSSELL.

Lord J. Russell to Mr. Lowther.

Foreign Office, December 8, 1860.

Sir,—Her Majesty's Government have carefully considered the despatch of Baron Schleinitz to Count Bernstorff, of the 8th ultimo, of which a copy is herewith inclosed for your information.

The first remark I would make upon that despatch is, that the Prussian Government appear to misunderstand the position of Her Majesty's Government in respect to the Memorandum delivered to the Court of Berlin. The propositions therein contained are the propositions of the Government of Denmark. Her Majesty's Government have not recommended them for acceptance; they have not even said that they might form the basis of a settlement: all that they have said is, that they hoped an opening for negotiation might be found in them.

A further remark I have to make is, that Her Majesty's Government by no means understood that the Holstein

contribution proposed by Denmark was to be taken from Holstein without any power of inquiry as to its appropriation. On the contrary, they would have thought a demand on the part of Prussia that the contribution of Denmark to general and common expenses should be also a fixed sum, and that the States of Holstein should enjoy, to an equal extent with the 'Reichsrath,' a power of examining the appropriation of this sum, and to remonstrate against any malversation, would be a demand quite in conformity with the Danish Memorandum.

It is obvious that Denmark being an independent State must maintain its Monarchy, its army, and its navy in a manner befitting its rank and position as such; nor can it be in principle unreasonable to ask that the States of Holstein and Lauenburg should contribute to maintain the Monarchy, the army, and navy of the kingdom.

Having endeavoured to remove this misapprehension, I will proceed to define the position of Denmark and that of Her Majesty's Government in relation to this correspondence.

It has been the desire of Denmark to show a willingness to conciliate, without admitting a right of intervention in the affairs of Schleswig on the part of the German Confederation.

The Danish Government have argued that as Great Britain could not be suspected of claiming any such right, it was more consistent with the position of Denmark to convey to Prussia their intentions in regard to Schleswig through the official medium of Great Britain, and if possible with her support, than to make concessions directly to the German Confederation.

The British Government, on their part, have not adopted the Danish propositions as their own, nor recommended them to the naked acceptance of the Prince Regent of Prussia and the German Confederation; but they confess

that they take an interest in the integrity of the Danish Monarchy, and should be sorry to see the force of Denmark, which is not considerable, weakened or impaired.

With this view Her Majesty's Government would have been glad to see all parts of the Danish Monarchy fairly represented in a Parliament at Copenhagen. If that is unattainable, they would have been glad to see Denmark and Holstein assume an equitable portion of the burthens necessary to be borne for the maintenance of Danish independence.

The despatch of Baron Schleinitz November 8 appears to reject this scheme of settlement, just as the former scheme of equal representation had been before thrown aside.

There remains to be considered the position of Denmark as regards the German Confederation.

The Duchies of Holstein and Lauenburg are German Duchies, and form part of the German Confederation. The laws of the German Confederation are applicable to them, and it will be for the Diet and the Duke of Holstein-Lauenburg to decide together what those laws require, and what should be their future destiny.

But with regard to the Duchy of Schleswig it is a Danish Duchy. The Memorandum of the Court of Berlin, communicated to Her Majesty's Government on the 8th of July last, in giving the substance of an annex to the Vienna despatch of December 26, 1851, says: 'The Imperial Government fully acknowledges the competence of the King to annul the former union between Schleswig and Holstein, as relates to administration and justice, and also this principle — that the authority of the Federal Law, and, therefore, also the competence of the Confederation, which arises from that alone, cannot have any force over a land not appertaining to the Confederation, and consequently not over Schleswig.'

There appears here a distinct renunciation, on the part of Austria and Prussia on behalf of the German Confederation, of any competence to extend the Federal law over Schleswig.

Nevertheless, the Prussian Government now claims a right to interfere in Schleswig, in virtue of certain promises made by the King of Denmark in 1851.

Let us first remark the form of these promises, and next their nature.

In their form, the promises of the King of Denmark were made, in the first instance, to his own subjects. But the despatch of the Court of Vienna of December 6, 1851, and the reply of the Danish Minister of Foreign Affairs, together with the nearly simultaneous proclamation of the King of Denmark, tend to invest these promises with the value, though not the exact form, of an engagement.

The Imperial Minister defines the meaning of the programme of the King of Denmark; asks for 'the binding form of a declaration made at the command of His Majesty the King,' and ends with a voluntary offer, upon those terms, to lay aside the mandate of Austria and Prussia, as representing the German Confederation, and to provide for the evacuation of Holstein.

On January 29, 1852, the Danish Minister for Foreign Affairs made, 'in furtherance of the authority conferred upon me from the highest quarter, the declaration that the King our Master acknowledges, as being in coincidence with his own, that interpretation of the supreme intentions communicated to the Courts of Berlin and Vienna, which is given in the despatch of the Imperial Court of Vienna of the 26th of December of last year, and the annex thereto,' &c.

Next, as to the nature of the promises made. These are:—

1. The King of Denmark promises that there should be no incorporation of the Duchy of Schleswig, with the kingdom, nor should any measure tending thereto be adopted.

2. The proclamation of January 23, 1852, promises a constitutional development of the State of Schleswig, and that the law to be framed for that object will especially contain the necessary provisions for procuring a perfectly equal settlement, and effectual protection to the Danish and German nationalities in the said Duchy.

There can be no doubt, in the opinion of Her Majesty's Government, that these promises constitute an engagement which His Danish Majesty is bound in honour to fulfil. He is bound not to incorporate Schleswig with Denmark; to maintain in Schleswig representative States; and to protect the Danish and German nationalities in the Duchy of Schleswig.

But neither in form nor in substance, as it appears to Her Majesty's Government; do these promises give a right to Austria and Prussia, or to the German Confederation collectively, to interfere in all the details of administration in the Danish Duchy of Schleswig. If Schleswig were incorporated with Denmark — if Schleswig were deprived of its separate Constitution, Germany might claim a right to interfere. But if the regulation of each church and each school in Schleswig were to be the subject of interference by the German Confederation, it is clear that the sovereign rights of the King of Denmark would exist only in name.

Her Majesty's Government will always, on their part, use any influence they may possess with the Court of Denmark to secure the protection of the German inhabitants of Schleswig.

But when the Prussian Government refers to the sentiments recently expressed by Her Majesty's Govern-

ment in behalf of Italian nationality, the Prussian Government must be reminded that there are in the Duchy of Schleswig 140,000 Danes, and that the remaining population is not purely German; while neither in the States of the Church, nor in the Kingdom of the Two Sicilies, was there any mixed population of any other race with Italians.

In fine, whether we regard the form of the engagements taken by the King of Denmark towards Austria, Prussia, and the German Confederation, or whether we regard the susceptibilities of the Danish Government, the mixture of races in Schleswig and the just regards due to Germans and Danes alike, Her Majesty's Government are persuaded that there never was a question which more imperatively demanded a temperate consideration, or on which a beginning of strife would be more injurious to all the interests concerned.

I am, &c.

(Signed) J. RUSSELL.

Mr. Paget to Lord J. Russell.

(*Received December* 24.)

Copenhagen, December 19, 1860.

My Lord,—I had the honour to receive on the 16th instant your Lordship's despatch of the 8th instant, inclosing a copy of a despatch from Baron Schleinitz to Count Bernstorff, and a copy of your Lordship's answer to it, addressed to Mr. Lowther.

On the following day I had an interview with M. Hall for the purpose, in compliance with your Lordship's instructions, of reading to his Excellency your despatch to me and your despatch to Mr. Lowther, and giving him copies of them.

Before I proceeded to read the despatch to Mr. Lowther, M. Hall informed me that he had not yet any knowledge

of the Prussian despatch beyond that which he had gathered in the German newspapers; that he had understood from M. Bille he was to receive a copy of it through Her Majesty's Legation here, and he therefore requested me to read it to him, and to furnish him with the copy now. I could see no objection to this course, and I, therefore, complied with his Excellency's request.

M. Hall made no observation until I had finished reading the three documents. His Excellency then expressed his grateful acknowledgements to your Lordship for the interest you manifestly took in this question, and for the masterly manner in which you had handled it. He said that he certainly would not deny or attempt to diminish the importance of the engagements which had been taken by His Danish Majesty at the period alluded to in your Lordship's despatches; but it was his duty to remark that, although the engagement not to incorporate Schleswig with the kingdom, and to maintain in Schleswig representative States, from having been mentioned in the correspondence between Denmark and Austria and Prussia might perhaps have the value of an international obligation, the same could not be said with regard to the promise of equality to the two nationalities, which was to be found nowhere but in the Royal Patent of January 1852. He did not mean, he said, to imply that for this reason it should not be fulfilled, but only to assert the principle that Austria and Prussia had no right of interference in this case, as it might be said they had in the other two.

M. Hall then reverted again to the question of direct negotiation with the Holstein States, and repeated his fears of the little chance of success which such a course of proceeding, under present circumstances, appeared to offer. I replied that I thought the Danish Government would commit a great fault if they did not at all events have recourse to it. It was the only chance now, I said,

of avoiding a Federal Execution. The great difficulty, I continued, evidently lay in the fixed sum to be contributed by Holstein towards the common expenses, and the control which the States might be able to exercise over its appropriation, and I could not but think that this was a matter on which, by negotiation, an arrangement might be made. I said I could not share his Excellency's opinion that the present circumstances were unfavourable for negotiating on the subject. The Danish Government would do well to reflect on the serious consequences which a Federal Execution would bring with it, the first of which would be that the Monarchy would be at once deprived of all the resources which they now received from Holstein. A Federal army once in possession of that Duchy would, his Excellency might be assured, never leave it until the Danish Government had complied to the very utmost with what the Diet chose to interpret as the obligations they had taken, not only in respect of Holstein, but of Schleswig also. The peace of Europe might be endangered, and a very possible result might be a total separation of Holstein from the Monarchy. On the other hand, the prospect of having their country occupied by a foreign army would probably produce a conciliatory effect upon the Holsteiners themselves, who, as his Excellency appeared to think, and as my own information led me to believe, had no desire to separate from the Danish Crown. Under these circumstances therefore I had no hesitation, I said, in advising the Danish Government most strongly to avert the dangers alluded to by losing no time in convoking the new Diet, and endeavouring to come to an understanding with it on the points at issue. But, I added, I was convinced it was at the same time absolutely necessary to ameliorate the state of things in Schleswig.

His Excellency had, I said, admitted the binding force of the engagements undertaken by Denmark; why not,

therefore, I inquired, approach the question manfully and frankly, and carry out the reforms which every one acknowledged to be necessary? The Danish Government might be assured, I said, that so long as they did not fulfil these engagements it was impossible for other Powers to plead their cause with effect.

M. Hall did not offer any objection to the above arguments. I may say, indeed, that he appeared to admit their truth and justice. He said that he had very great difficulties to contend with—and this I believe to be true—but that he would do what he could to overcome them. He said that it was undesirable that the Danish Diet and the Holstein Assembly should be sitting at one and the same time, but that the Session of the former would be over about the middle of January, and the latter should then be convoked.

Finally, M. Hall said it was his intention to reply to your Lordship's despatch through M. Bille, but that his answer might be delayed for a short time, as he was anxious, if possible, to accompany it by the communication to your Lordship of some practical proof that the Danish Government was not insensible to the interest which is manifested in this question by Her Majesty's Government, or deaf to the counsels which they have given.

From all I have heard since leaving England I am more than ever persuaded that unless something is done to prevent it, events will take the course which I indicated to your Lordship in the conversations with which you honoured me, viz. that the Decree of the Diet for Federal Execution will be carried out at the expiration of the present financial period, and I shall therefore continue to use every exertion with the Danish Government to induce them to take such measures as may be best calculated to avert this great calamity. I have, &c.

(Signed) A. PAGET.

Earl Cowley to Lord J. Russell.

(*Received December* 29.)

Paris, December 28, 1860.

My Lord,—In compliance with the instructions contained in your Lordship's despatch of the 12th instant, I communicated to M. Thouvenel the substance of the instructions inclosed in that despatch to Mr. Paget and to Mr. Lowther, respecting the question of the Danish Duchies; and his Excellency has since informed me that he concurs entirely in your Lordship's views, which are those which the Imperial Government has advocated since the commencement of this vexed question.

I have, &c.

(Signed) COWLEY.

Mr. Lowther to Earl Russell.

(*Received September* 22.)

Berlin, September 20, 1862.

My Lord,—In acknowledging the receipt of a copy of Earl Cowley's despatch of the 5th instant, in which his Excellency reports that M. Thouvenel had observed he considered it out of the question that the Danish Government should listen to the Prussian proposal, I have the honour to state that in a conversation which I had with M. Quaade, Danish Minister at this Court, on the subject of the Duchies, M. Quaade stated that he looked upon the state of the question at present as most critical; for the Danish Government certainly could not agree to the proposals lately made by the Prussian Government, and he feared that an angry correspondence might ensue, and if this should be the case it would be difficult to say to what it might not lead.

I have, &c.

(Signed) WILLIAM LOWTHER.

Earl Russell to Mr. Fane.

Foreign Office, September 24, 1862.

Sir,—It appears from the accounts received from various quarters that the correspondence between Austria, Prussia, and Denmark, which it was asserted would lead to a settlement of the dispute so long subsisting between Germany and Denmark in regard to the obligations of Denmark in the affairs of Holstein, Lauenburg, Schleswig, and the common Constitution of the Danish Monarchy, has grown more and more bitter. The longer the lapse of time, and the further the negotiation is carried, the wider is the space which separates the two parties, and the stronger the language which they use towards each other.

Upon considering, with pain and regret, this unsatisfactory aspect of the affair, and contemplating the unfavourable results which may be expected from further direct communications between Powers so adverse in their opinions, Her Majesty has directed that you should be furnished with instructions which may, it is hoped, tend to the long-desired settlement.

In framing these instructions it is advisable to throw out of the calculation, in the first place, those matters upon which controversy may be said to be exhausted.

The first of these matters relates to the question whether any taxes can be imposed, or any laws enacted, in Holstein or Lauenburg without the express consent of the Representatives of those Duchies.

This question has been resolved in the negative by the German Confederation, of which the Duchies of Holstein and Lauenburg are members.

Another question which need not be further discussed is the Constitution of 1855.

It is clear that whether a representation according to numbers of the kingdom, as well as the Duchies, be a

good or a bad Constitution, yet, not having been accepted by the Duchies, the Constitution of 1855 has no force in Holstein, Lauenburg, or Schleswig.

Neither is it necessary to discuss the rights of Denmark in reference to her Rigsraad. It is quite clear that Denmark can legislate for herself, and impose taxes to be levied upon her own people, without the consent of Holstein, Lauenburg, or Schleswig.

Two questions of great importance remain. The first regards the Duchy of Schleswig; the second, the common constitution of the Monarchy.

Schleswig was formerly in a position altogether anomalous. Unconnected with the German Confederation, it was yet connected with Holstein, which formed part of that Confederation. Later arrangements have dissolved this inconvenient tie, and Schleswig is at present only connected with Holstein by non-political relations affecting the two communities.

There are, however, relations between Germany and Denmark in respect to Schleswig which have given rise to the present controversy.

The obligations of honour contracted by Denmark towards Schleswig, and imparted to the German Confederation as such by the King of Denmark in 1852, chiefly regard two points. The first of these is the Royal promise that Schleswig shall not be incorporated with Denmark. The second is, in substance, an engagement that the Germans in Schleswig shall be treated on an equal footing with persons of Danish or any other nationality.

The grievances of which Germany complains as violations of these promises are thus summed up in the recent Prussian note of August 22:—

'The systematic destruction of national and neighbourly connection between Schleswig and Holstein; the disregard of the determination concerning the University of Kiel;

the filling of the Duchy of Schleswig with Danish officials in the Administration, with Danish clergy in church and school, as well as the whole spirit of the Administration in this Duchy; finally, the violation of all actual and practical relations by the maintenance of the language Edict, are matters of fact which are notoriously public, and of which the evidence is in the hands of every one.'

For all practical purposes, it would be vain to attempt a constant supervision by Germany of the nomination to civil offices of Danish officials in Schleswig, or the administration in church and school by Danish Ministers of religion. Such superintendence would lead to a constant renewal of quarrels, and a perpetuity of ill-will.

The best mode, therefore, of remedying these evils for the present, and of preventing complaints for the future, is to grant a complete autonomy to Schleswig, allow the Diet of Schleswig fairly to treat, and independently to decide upon questions affecting their university, their churches and schools, the language to be used where the Danish population prevails, where the Germans preponderate, and where the races are mixed.

I come lastly to the question of the Constitution, the most entangled and the most embarrassing question of all those in discussion.

Treaties, Protocols, and despatches afford us little light upon this subject, and the glimmering rays which they do afford tend rather to lead us astray than to guide us right.

For what could be more destructive of all union, all efficiency, all strength, and, indeed, of all independence, than to lay down as an absolute rule that no law should be passed and no Budget sanctioned unless the four States of the Monarchy all concurred? What would Austria say if she were asked to accept a Constitution which should paralyse the action of the Reichsrath at Vienna till separate

Diets in Hungary, in Gallicia, and in Venetia, should have adopted the same law or sanctioned the same Budget? How would Prussia herself bear an absolute veto on the proceedings of her Parliament given to the Diet of Posen?

If such a Constitution must lead to an early and decisive rupture, let us consider whether each portion might not have its due independent movement without clogging the wheels of the whole machine. For instance, if the sums required for the navy were represented by 90, of which Denmark were to furnish 60, and the other States 30, Denmark might vote, and apply her contingent of 60, independently of the vote of the other three portions.

There is only one objection to be made to this suggestion which deserves consideration.

If the 1,600,000 people of Denmark were taxed to pay the army and navy, and the 50,000 of Lauenburg were to refuse any grant for these purposes, a hardship would be suffered by the inhabitants of the kingdom when compared with the situation of the King-Duke's subjects in Lauenburg.

The remedy for this inequality is to be found in a proposal for a normal Budget, to be laid before the Rigsraad, and before the Diets of Holstein, Lauenburg, and Schleswig, for their consent.

It is obvious that the Government of an independent kingdom like Denmark must, for the maintenance of that independence, require a certain amount of expenditure for the Civil List of the Sovereign, for the Diplomatic Service, for the Army and Navy of the State.

Let this be reckoned as economically as possible; for the least amount of royal dignity; for the most frugal establishments of profound peace.

Obtain that sum from the four Representative Bodies. Confide its distribution to a Council of State, formed, two-

thirds of Danes, and one-third of Germans. Let the votes of this Council be taken in public, and accounts of the expenditure published yearly.

The normal Budget to be voted in gross for ten years. The distribution or expenditure to be voted yearly.

Extraordinary expenses beyond the normal Budget to be voted freely by the Kingdom and the three Duchies separately.

The suggestions I have made may be summed up in a few words:—

1. Holstein and Lauenburg to have all that the German Confederation ask for them.

2. Schleswig to have the power of self-government, and not to be represented in the Rigsraad.

3. A normal Budget to be agreed upon by Denmark, Holstein, Lauenburg, and Schleswig.

4. Any extraordinary expenses to be submitted to the Rigsraad, and to the separate Diets of Holstein, Lauenburg, and Schleswig.

You will give a copy of this despatch to Count Rechberg, and invite his serious attention to its contents.

I am, &c.

(Signed) RUSSELL.

Mr. Lowther to Earl Russell.

(*Received September* 29.)

Berlin, September 27, 1862.

My Lord,—I have the honour to inform your Lordship that, in conformity with the instructions contained in your Lordship's despatch of the 24th instant, I read to Count Bernstorff that despatch, and left with him a copy of it, and invited his serious attention to its contents.

When I had finished reading the despatch, his Excellency begged me to thank your Lordship for this communication, in which he said the whole question was so

clearly put, and which bore evident signs of the anxious wish of Her Majesty's Government to bring about a settlement of this intricate question.

But, added his Excellency, good-will on the part of Her Majesty's Government, or of that of Prussia, are of little use unless some influence is exerted at Copenhagen, in order to induce the Danish Government to come to an arrangement which can be accepted by Germany. This arrangement, he said, may be contained in your Lordship's above-named despatch; and, as far as he could judge at present, he had no objection to make to the suggestions contained in it.

With regard to that sentence in which your Lordship states that the sum to be required for the Civil List, the Diplomatic Service, the Army and Navy, should be confided for distribution to a Council of State, formed of two-thirds of Danes and one-third of Germans, his Excellency remarked that there was not a proper proportion between the two.

I have, &c.

(Signed) WILLIAM LOWTHER.

Earl Russell to Earl Cowley.[1]

Foreign Office, October 1, 1862.

My Lord,—I inclose herewith to your Excellency a copy of an instruction which I have addressed to Her Majesty's Representatives at Berlin, Vienna, and Copenhagen, upon the subject of the dispute so long subsisting between Germany and Denmark, in regard to the obligations of the latter in the affairs of the Duchies.

I also inclose a copy of a despatch which I have received from Her Majesty's Chargé d'Affaires at Berlin, from which your Excellency will perceive that the Prussian Govern-

[1] A similar despatch was addressed to Lord Napier.

ment are disposed to take a favourable view of the suggestions offered in my despatch.

I have to instruct your Excellency to communicate with M. Thouvenel upon this subject, and to ask his Excellency to support the plan of Her Majesty's Government at Copenhagen, with any modification of details which may be found advisable.

I am, &c.
(Signed) RUSSELL.

Mr. Lowther to Earl Russell.

(*Received October* 3.)

Berlin, September 30, 1862.

My Lord,—With reference to my despatch of September 27, I have the honour to inform your Lordship that Count Bernstorff yesterday informed me he had been able to read over more attentively the copy which I had given him of your Lordship's despatch to me of the 24th instant, relative to the question of the Danish Duchies.

His Excellency said he had found nothing in it to which he could make much objection. There were some points, of minor importance, which he would be glad to discuss with your Lordship, and which he hoped to have an opportunity of doing on his return, in a few days, to London.

He added, however, that no steps could be taken at present in the matter, as it would be necessary first to see what answer would be returned by the Danish Government to the last communications from Prussia and Austria.

His Excellency repeated what he had said to me on the 27th instant, that he considered the proportion of two-thirds Danes and one-third Germans, in the Council of State, was hardly a fair one.

I have, &c.
(Signed) WILLIAM LOWTHER.

Earl Cowley to Earl Russell.

(*Received October* 4.)

(Extract.) Paris, October 3, 1862.

In compliance with the instructions contained in your Lordship's despatch of the 1st instant, I have communicated to M. Thouvenel your despatch of the 24th ultimo to Mr. Lowther, containing suggestions for the settlement of the dispute so long subsisting between Germany and Denmark in regard to the obligations of the latter in the affairs of the Duchies; and after stating that, from information which your Lordship had received from Berlin, it was to be hoped that the Prussian Government was disposed to take a favourable view of those suggestions, I asked M. Thouvenel to support them at Copenhagen.

M. Thouvenel had already received from Berlin information that your Lordship had laid before the Prussian Government a plan which, however, had not been favourably viewed. I replied that the accounts received by Her Majesty's Government were of a different complexion. M. Thouvenel rejoined, that he believed that some details had not at first been understood, and that since they had been examined into, they had given rise to objections.

Guarding himself against pronouncing any opinion of their merits, M. Thouvenel said that he had no objection to recommend the suggestions of Her Majesty's Government to the serious consideration of the Government of Denmark.

Mr. Fane to Earl Russell.

(*Received October* 6.)

Vienna, October 2, 1862.

My Lord,—I have had the honour of receiving your Lordship's despatch of the 24th ultimo, furnishing me

with instructions which may, it is hoped, tend to the desired settlement of the dispute so long subsisting between Germany and Denmark in regard to the obligations of Denmark in the affairs of Holstein, Lauenburg, Schleswig, and the common Constitution of the Danish Monarchy.

I communicated, on Tuesday last, your Lordship's above-cited despatch to Count Rechberg. His Excellency listened with great attention while I read to him this important document, and on my placing a copy of it in his hands assured me that his most serious attention should be given to its contents. I would not expect, Count Rechberg observed, that he should pronounce any opinion on a State paper of such length and of so much interest, after hearing it once read, and he would prefer reserving all expression of opinion on it to the utterance of such crude remarks as he might at present be able to offer me.

I said that I entirely concurred in the view taken by his Excellency of the disadvantages of premature conversation on a topic of so much importance. Your Lordship's despatch, I observed, although it offered what I ventured to think a simple solution of a very complicated problem, would, nevertheless, demand the studious attention of the Imperial Government, and I thought it would be expedient that we should postpone even an interchange of ideas on its subject matter until his Excellency had been able to acquaint himself thoroughly with its details.

There was only one paragraph of your Lordship's despatch on arriving at which I interrupted my reading in order to fix Count Rechberg's attention upon the coincidence of ideas which appeared to me to prevail between your Lordship and his Excellency. Your Lordship asks, 'What could be more destructive of all union, all efficiency, all strength, and indeed of all independence, than to lay

down, as an absolute rule, that no law should be passed, and no budget sanctioned, unless the four States of the Monarchy all concurred?' If I was not mistaken, I observed, it was precisely because the principle condemned by your Lordship was sanctioned in the recent despatch of Count Bernstoff on the question of the Danish Duchies, that the Austrian Government had declined to sign that document in the form of an identic note, since they could not expressly advocate the application in a foreign country of a principle which they were specially employed in combating at home.

Count Rechberg assented to this remark, and I continued to read from your Lordship's despatch as follows:—'What would Austria say if she were asked to accept a Constitution which should paralyse the action of the Reichsrath at Vienna till separate Diets in Hungary, in Gallicia, and in Venetia, should have adopted the same law, or sanctioned the same Budget?' To this question, I observed, the policy which the Imperial Government was pursuing at home with so much care and perseverance furnished a conclusive reply; and Count Rechberg having assented also to this remark, I read to the close of your Lordship's despatch without further interruption.

I have, &c.

(Signed) JULIAN FANE.

Earl Russell to Mr. Fane.

Foreign Office, October 8, 1862.

Sir,—In reply to your despatch of the 2nd instant, I have to inform you that I approve of the language you used to Count Rechberg on communicating to his Excellency my despatch of the 24th ultimo, on the subject of the Danish Duchies question.

I am, &c.

(Signed) RUSSELL.

M. Hall to M. Bille.

Glücksborg, October 5, 1862.

Sir,—If the King's Government has not yet been able to send its answer—and only one answer is possible—to the notes of the two German Powers, you can imagine, Sir, that it is only on account of the absence of the King from the capital, which does not allow of the assembling of the Council of State necessary for the despatch of this answer. For, with regard to the principle of the affair, the view taken by the Government can be a matter of doubt to no one, not even, I may venture to say, to the Governments who have made such exorbitant demands.

To dictate to the Danish Government the abolition of the common Constitution which now only embraces those parts of the Monarchy which are quite beyond the competence of Germany; to impose on us, as a substitute for Constitutional Government, either absolutism, in which the spirit of the people and the progress of our civilisation would no longer acquiesce, or anarchy, for that is the only name which can be given to the proposal according to which every general law and every item of expenditure of the Government would have to be previously approved by four Deliberative Assemblies; to attempt, finally, to decide the purely internal questions of an exclusively Danish province;—these are demands to which the King's Government could not accede without abdicating, I do not say our dignity, but even the existence of a Danish State independent of the arbitrary will of Germany. The Government of England will appreciate, better than any other Government, how impossible it is for Denmark to allow herself to be thrust back into the obsolete forms of absolute power. It is, therefore, with true pleasure that

I remember how often Lord Russell has recognised and claimed in the most precise terms the independence of the non-German portion of the Danish Monarchy from all foreign intervention 'which would imply a contempt not only for the law of nations, but also for the most sacred interests of the North;' and Mr. Paget accurately foresaw the aspirations of the Germanic Confederation, when he said in his despatch of July 3, 1860, that it would not be contented with less than 'a subversion of the existing organisation of the Monarchy, in order to revert to the state of things which existed before 1848, and a re-establishment of the former political union between Schleswig and Holstein; an arrangement to which no Danish Government could be brought to agree, even if it could be urged to do so.'

I request you, Sir, to express to Lord Russell our hope that he will continue to afford us his powerful support with Powers which, until now, had not perhaps judged with the same clearness as English diplomacy has, how far the pretensions of Germany would reach, and at what point all possibility of concession on the part of the Danish Cabinet would cease.

I have, &c.
(Signed) C. HALL.

Earl Russell to Mr. Paget.

Foreign Office, October 11, 1862.

Sir,—I had yesterday a long conversation with M. Bille.

He began by informing me that he had been desired by M. Hall to come immediately to London, in consequence of a report sent by Captain Falbe of a despatch which I was about to send to the Great Courts recommending an abrogation of the Danish Constitution of 1855.

M. Bille proceeded to say that this report had caused

great alarm in the Danish Government; that they had hitherto reason to believe Her Majesty's Government favourable to the rights of Denmark. The Danish Government, upon the advice of the British Government and other allies of Denmark, had complied with the requisitions of Germany in regard to Holstein and Lauenburg. Their only stronghold, at present, was the Constitution which bound together Denmark and Schleswig; this gone, the Danish Monarchy would fall to pieces. He gave me a copy of a despatch from M. Hall to this effect.

I replied that he would recollect the advice I had given in behalf of Her Majesty's Government, to the Danish Government to remedy all the practical grievances of Schleswig, and thus to present an unassailable front to Germany.

This advice had not been taken.

I had afterwards suggested the adoption of some one of several plans, emanating from Holstein through Hanover, for a common Constitution.

This suggestion was also rejected by M. Hall.

It was then that Her Majesty's Government had devised a plan which, by securing on the one hand self-government to Schleswig, and on the other an adequate normal Budget to the Danish Monarchy, seemed to Her Majesty's Government to provide at once for the redress of the complaints of the German inhabitants of Schleswig and for the supplies necessary to maintain the independence and the dignity of the Danish Monarchy.

I was convinced, I told M. Bille, that, when my despatch was communicated to M. Hall, his apprehensions would be diminished; and I even trusted, the plan of Her Majesty's Government, conceived in a spirit of equity and fairness, would be found to afford a reasonable basis for a definite arrangement.

M. Bille, however, continued to affirm that Denmark

had taken no engagements to Germany, or to Austria and Prussia, in regard to Schleswig, and that the King of Denmark was free to do exactly as he pleased in respect to that portion of the Danish Monarchy. Adopting the language of M. Hall, he said that the adoption of any such plan as I had sketched out must lead either to absolutism or to anarchy; that absolutism was happily impossible, but the division of the Danish Monarchy into independent portions would lead to anarchy and dismemberment.

I could only refer M. Bille to my despatch.

I am, &c.

(Signed) RUSSELL.

Lord Napier to Earl Russell.

(*Received October* 13.)

St. Petersburgh, October 6, 1862.

My Lord,—In conformity with your Lordship's orders, I this forenoon imparted to Prince Gortchakoff your Lordship's despatch of September 24 to Mr. Lowther, containing a projected basis of settlement between the Danish Government and the Duchies.

Prince Gortchakoff received your Lordship's communication with satisfaction, saying that he was already acquainted with the leading points of the proposed arrangement, which he believed would obtain the support of the Imperial Government, and that he desired to be made acquainted with the details, to which he would give his best attention. He added that he was happy to find himself on a ground where he could act in common with Her Majesty's Government. His Excellency then desired to be put in possession of the document referred to.

Although not distinctly instructed to do so, I made no difficulty in leaving your Lordship's despatch to Her Majesty's Representatives in the hands of the Vice-Chan-

cellor, expressing my hope that your Lordship's overtures would meet with his assent, and assuring him that any suggestions which he should think fit to make would have your Lordship's careful consideration.

The Prince then told me that his exertions in this matter had recently been directed to two points; first, in regard to the German Powers, to move them to define exactly the engagements which, in their opinion, the Government of Denmark had contracted towards Schleswig by the declaration of 1852; and secondly, in regard to Denmark, to induce the Cabinet of Copenhagen to reply to the German communications promptly and in a conciliatory spirit, so that no imputation might be speciously cast in the Diet on its sincerity and good-will.

In elucidation of these views, the Prince permitted me to read an Instruction which he had addressed to Baron Nicolay, the Russian Envoy at Copenhagen on the $\frac{16}{28}$th ultimo.

Now, said Prince Gortchakoff, I hope we may be enabled to go further and effect something of a positive, practical character.

I have, &c.
(Signed) NAPIER.

Mr. Fane to Earl Russell.

(*Received October* 13.)

Vienna, October 9, 1862.

My Lord,—Count Rechberg having been absent from Vienna during the early part of the week, I was received on calling at the Imperial Foreign Office by Baron Meysenbug.

I was glad to avail myself of the opportunity of holding some conversation with his Excellency, on the subject of your Lordship's despatch to me of the 24th ultimo in

relation to the questions at issue between Denmark and the German Confederation.

I had not your Lordship's despatch with me at the time, but it had been my duty to study it maturely, and I was glad to find that Baron Meysenbug had thoroughly acquainted himself with its details. The conversation which passed between us has left a very satisfactory impression on my mind, as there was no single point on which, after some discussion, his Excellency did not appear to me to agree in the main with the ideas embodied in your Lordship's despatch.

I elicited from him a very decided opinion in favour of the plan suggested by your Lordship for the future government of the Duchy of Schleswig, and a not less decided expression of concurrence with the proposal that for the future a normal Budget should be voted for the entire Monarchy, leaving extraordinary expenses to be voted separately by the Kingdom and the three Duchies.

I was not surprised to learn from Baron Meysenbug that the Imperial Government, before giving any formal expression of opinion on the project embodied in your Lordship's despatch, would first communicate with the Prussian Government. I said that I had fully expected that this would be the case, and that my principal desire, now that I had heard what I considered a very favourable opinion of the project from his Excellency, was that the Imperial Government, in communicating on this subject with the Government of Prussia, should use its best endeavours to cause the project to be favourably received at Berlin.

His Excellency assured me that this would be the case, and I think that I am justified in concluding from his language that the Imperial Government sincerely desire to find in the proposals of Her Majesty's Government a key to the solution of a question which has been so long

and so bitterly discussed. I have, however, little doubt that the course which they will pursue in this matter will depend in a great measure on that adopted at Berlin.

I have, &c.

(Signed) JULIAN FANE.

Lord A. Loftus to Earl Russell.

(*Received October* 13.)

Berlin, October 11, 1862.

My Lord,—At an interview with Count Bernstorff on the 9th instant I referred to the despatch which your Lordship had addressed to Mr. Lowther of the 24th ultimo, of which a copy had been placed in his hands, suggesting certain bases for an arrangement of the differences between Germany and Denmark on the question of the Danish Duchies, and I expressed a hope that the very clear, able, and impartial views submitted in that despatch would meet with the approval of the Prussian Government.

Count Bernstorff said that your Lordship's despatch had given him much satisfaction, and that it contained some valuable matter. There were one or two points on which some elucidation would be necessary, but they were matters rather of detail than of principle. He referred especially to the formation of the Council of State for the distribution of the funds voted by the several States of the Monarchy. On the whole, his Excellency expressed himself favourably on your Lordship's suggestions; but he said that, being on the eve of giving up the direction of his Ministry, he was unwilling to give any decided opinion on their practicability, and as he would shortly be in London he would wait till he had the opportunity of communicating with your Lordship verbally on this question.

His Excellency further observed, that of course the Prussian Government could take no steps, and express no opinion on your Lordship's suggestions, without having

previously consulted with the Cabinet of Vienna; and he said that it would be also necessary to submit the proposals to the approval of the Germanic Confederation.

I observed to his Excellency that in your Lordship's despatch there was a point of very great importance which could not fail of being duly appreciated by the Prussian Government: I referred to the proposed elimination of Schleswig from the Constitution of 1855, and the complete autonomy conferred thereby on that Duchy. I thought this point of such importance that all minor considerations should give way, and that Germany should unhesitatingly accept the suggestions contained in your Lordship's despatch.

With reference to an expression of Count Rechberg, mentioned by Count Bernstorff, against a foreign mediation in this question, I observed to Count Bernstorff that there was no question of a mediation, nor did your Lordship's suggestions in any way bear that character. Count Bernstorff admitted this, and inquired whether your Lordship's despatch to Mr. Lowther had been communicated at Copenhagen.

I replied that I was uninformed on this point, but that it was of very great importance, for a successful issue to your Lordship's present endeavours to bring these differences to a final and satisfactory arrangement, that the responsibility of their rejection should not rest with Germany, and I therefore trusted that your Lordship's suggestions would meet with a favourable reply from the Prussian Government.

Count Bernstorff appeared to entertain some doubts as to whether the present moment was propitious for the step your Lordship had taken, and he seemed to consider that it would have been better to await the final issue of the negotiations now carrying on between Germany and Denmark.

I observed to his Excellency that it must be clear to every one that the present direct negotiations between Germany and Denmark could lead to no positive result, unless it were to widen the breach between the dissentient parties, and to embitter their relations. It was, therefore, advisable before the honour of either party was at stake to endeavour to lay down a basis on which the two parties might agree.

I also reminded his Excellency that if the non-German Powers were agreed as to a basis which would, in their opinion, reconcile these differences, and satisfy the honour and the exigencies of both parties, the hands of the Danish Ministry would be greatly strengthened, and they could more easily make the concessions required if those concessions were adopted on the advice of the European Powers, and did not bear the character of concessions demanded by Germany.

I further remarked that if Germany accepted the suggestions contained in your Lordship's despatch, and without delay, the initiative of them might be left to the Cabinet of Copenhagen, and might form the answer of that Cabinet to the last communications addressed by the two German Powers to the Danish Government. At all events, I considered it of great importance that the German Powers should accept your Lordship's suggestions, and that they should do so with the least delay possible. They offered, in my opinion, the only chance, and perhaps the last chance, of an amicable adjustment of this long-pending and complicated question.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Lord Napier to Earl Russell.

(*Received October* 17.)

(Extract.) St. Petersburgh, October 11, 1862.

PRINCE GORTCHAKOFF called me this forenoon to the Foreign Department, and read me two despatches to Baron Nicolay, on the affairs of Denmark and the Duchies.

The first of these instructions was prepared some days ago, before your Lordship's last overtures had been imparted to the Vice-Chancellor. It bears, however, the date of the $\frac{\text{29th September}}{\text{11th October}}$, and will be forwarded to-day. It contains general counsels enforcing the necessity of meeting the overtures of the German Governments in a prompt and conciliatory spirit; and particularly states that the support and good offices of Russia can only be effectually given when the Danish Government shall have fulfilled its engagements to the Cabinets of Prussia and Austria in reference to Schleswig.

The other despatch, of a more confidential character and of the same date, was written after the receipt of the settlement projected by Her Majesty's Government. In this document, Prince Gortchakoff reminds the Cabinet of Denmark of the strong claims which Her Majesty's Government possesses on their deference and attention by its good offices as mediator at an earlier period, and the active part which it had ever taken in the adjustment of these controversies. He advises the Government of Denmark to give up the Constitution of 1855, which offers the chief obstacle to the acceptance of an arrangement such as that proposed by your Lordship, and reminds the Danish Minister that in a despatch to M. de Plessen, the Danish Envoy here, dated the 24th May, 1861, he had stated that the resolutions of the Government of Denmark in these matters would ever be subject to the

common advice of the friendly Powers. The present occasion was a fitting one for carrying these declarations into effect.

Without entering into details or giving a categoric assent to the several articles of your Lordship's proposals, the opinion of Prince Gortchakoff is decidedly favourable to your Lordship's views.

Lord A. Loftus to Earl Russell.

(*Received October 17.*)

Berlin, October 15, 1862.

My Lord,—The Marquis de Cadore, French Chargé d'Affaires at this Court, has received a despatch from M. Thouvenel, transmitting a copy of your Lordship's despatch (addressed to Mr. Lowther) of the 24th ultimo, suggesting the basis of an arrangement of the differences between Germany and Denmark, and acquainting him that the French Minister at Copenhagen has been instructed to support your Lordship's suggestions and to recommend them to the serious consideration of the Danish Cabinet.

From the terms of M. Thouvenel's despatch it would seem that he had not expressed any opinion to the French Minister at Copenhagen on the merits of your Lordship's overtures, but that he was merely instructed to support them, leaving their appreciation to the free judgment of the Danish Cabinet.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Mr. Paget to Earl Russell.

(*Received October 20.*)

Copenhagen, October 14, 1862.

My Lord,—I communicated to M. Hall this day your Lordship's despatch of the 24th of September. His

Excellency, as your Lordship knows, was already acquainted with its main points: and your Lordship is also aware, through the Danish Minister in London, of the view which the Danish Government take of your Lordship's proposals. Your Lordship will, therefore, be more or less prepared for the account which it is now my duty to give you of the interview which took place between M. Hall and myself. I may mention, however, at the outset, that M. Hall expressed to me his intention of stating his objections to the plan proposed in a despatch to M. de Bille to be communicated to your Lordship.

M. Hall was visibly agitated while I was reading the despatch, and when I gave him a copy of it, he said that he had never expected to receive such a document at the hands of Her Majesty's Government. Coming at the present moment, he considered it, he said, as the most disastrous blow that could be inflicted on the cause of Denmark, and as leading most surely, if acted upon, to absolutism or to the dismemberment of the Danish Monarchy. There could, however, be no question for himself and his colleagues of entering into these views; others might, perhaps, be found to do so, but he dreaded to think what the consequences of such a policy would be for the country. He thought, moreover, he had some right to complain that whereas this despatch had been communicated more than a fortnight ago to Berlin and Vienna, it was only now communicated to the Danish Government. He had always, he said, looked to England as the surest support of Denmark. No one had upheld more strongly than your Lordship that Germany had no rights over those parts of the Monarchy not appertaining to the German Confederation; and it was certainly, therefore, not from your Lordship that he expected a project to emanate which suggested the abolition of the common Constitution, and embodied the views of Prussia with

respect to Schleswig. He regretted, he said, that the King was absent from the capital, as it would be necessary for the Cabinet to take some decision. He added that he was unable to comprehend the change which had taken place in your Lordship's manner of viewing the question, and his Excellency then proceeded to discuss your Lordship's proposals in the order in which they come in the despatch.

With regard to the first, he said that, although he might continue to dispute the justice of the demands of Germany with respect to Holstein and Lauenburg, nevertheless, in order to put an end to all further controversy, and in view of the actual position of affairs, the Government had come to the decision that it would be better to concede them. As far as Holstein and Lauenburg were concerned, therefore, the Danish Government was prepared to comply with the demands of the German Confederation. I understand his Excellency to mean by this that no laws will have effect in Holstein and Lauenburg which have not previously received the sanction of their Representative Bodies.

With respect to the second point, the autonomy of Schleswig, the Danish Government, M. Hall said, was far from considering the present constitution of that Duchy as perfect, and it had always been their desire to amend it. They would be willing, therefore, to recognise the principle of self-government for Schleswig in the provincial affairs of the Duchy, but they could never consent to Schleswig not being represented in the Rigsraad.

M. Hall's objections to the third proposal were equally applied to the fourth. He said that it would be totally impossible to get the four Assemblies to agree upon the amount of the normal Budget or upon that of the supplementary votes. He concluded by saying that the objections of Count Bernstorff to the composition of the

Council of State were evidently only put forward to conceal his joy at the whole arrangement.

In my reply to M. Hall, I stated, in the first place, that I believed to the period of my return to Copenhagen must be attributed the delay in making the Danish Government sooner acquainted with your Lordship's views, but I was quite certain that it arose from no want of friendly feeling towards Denmark. I said that, considering the policy recently followed by the Danish Government, I had been prepared to find that his Excellency would object to some of the points suggested by your Lordship; but I must confess that I thought the view he had taken of them as a whole was a very exaggerated one. In what way they tended either to absolutism or to the dismemberment of the Monarchy I was, I said, quite unable to comprehend. So far from their leading towards the former, it appeared to me that they would rather develop than diminish Constitutional principles; and to meet the objection of the dismemberment of the Monarchy, I pointed to the establishment of the Council of State (composed in a manner eminently favourable to Denmark), as uniting all the different parts of the Monarchy in one body. I said that no change whatever had taken place in your Lordship's sentiments towards Denmark. That you desired now that which you had always desired—a solution of the question. That you had never bound yourself to any particular plan or system of arrangement. That you had seen with regret that the line hitherto followed was leading to no good result, and that you had, therefore, determined on drawing up what appeared to you a fair and equitable arrangement for all parties. That there was not a word in your despatch which indicated that your views respecting the position of Schleswig towards Germany had changed, or that you had adopted those of Prussia. With regard to the dif-

ficulty of obtaining the consent of the four Assemblies to any supplementary votes that might be required, I pointed out that, as each Assembly would only have to vote for that part of the Monarchy which it represented, without its decision affecting in any way the votes of the other Assemblies, the objection did not hold good.

M. Hall said that governing with four Assemblies would be an impossibility; that they would not even agree respecting a Normal Budget. If the Normal Budget was to be, as now, merely a nominal one, recourse must be had to supplementary votes; if one sufficient to cover the expenses of the State it would be the adoption of absolute government, the chief prerogative of a Representative Assembly being that of voting the supplies.

I saw it was useless to endeavour any further to bring M. Hall into your Lordship's views. Your Lordship will bear in mind that M. Hall and his Government are deeply pledged to a policy of separation from the German Duchies, entailing thereby a closer union between Schleswig and the Kingdom, and that they cannot adopt any other system without placing themselves in contradiction with the views which they have advocated both at home and abroad, and a desertion of that party in this country which has kept them in power. I am, therefore, not surprised at the perplexity which the communication of your Lordship's despatch has caused to the Cabinet, or at the manner in which M. Hall expresses himself respecting it.

What may be the decision of the Cabinet as to the course now to be adopted; whether, as M. Hall appeared to hint, they will tender their resignation to the King, or whether his Excellency, in the despatch which he proposes to address to M. Bille, will make a further attempt to secure your Lordship's support to the measures upon which he says the Government have decided, I am not in a

position to say; but of this I think I may speak with certainty, that if the Danish Government is now prepared, as M. Hall announced to me, to agree to the demands of Germany respecting Holstein and Lauenburg, and to grant the power of self-government to Schleswig in its provincial affairs, they are concessions entirely attributable to your Lordship's intercession, and which, I think, ought to have considerable value in the arrangement of the questions in dispute.

I have, &c.
(Signed) A. PAGET.

Earl Russell to Mr. Paget.

Foreign Office, January 21, 1863.

Sir,—I transmit to you a copy of a despatch from M. Hall to M. de Bille, which was delivered to me by M. de Bille on the 10th instant.

I did not discuss with M. de Bille the arguments contained in this despatch, which have nothing in them of novelty. I merely noticed to him the omission of any reference to the admission he had himself made to me, that the inhabitants of Schleswig were not allowed to petition the Sovereign in any greater number than three, and that German newspapers were not allowed to circulate in Schleswig.

M. de Bille answered me that he supposed M. Hall considered these points as unimportant.

M. Hall wishes that this controversy should not be carried further, and Her Majesty's Government see no advantage in prolonging it.

There are some points, however, which I wish you to bear in mind in case M. Hall should raise in conversation the topic of the German Duchies and the situation of Schleswig.

The first point is, that the recent negotiation between Austria, Prussia, and Denmark, was brought about by Her Majesty's Government in 1861, in order to avert the Federal Execution, which was threatened in the beginning of that year by the Committee of the Diet of the German Confederation.

Her Majesty's Government then stated that while the boundaries of Holstein and Schleswig were unsettled and still in dispute, and while the passions both of Germans and of Danes were highly excited, an occupation of Holstein by German troops would not fail to be attended with danger to the relations of peace between Germany and Denmark, and might lead to hostilities in which all Europe might be involved.

Both parties after some time listened to these representations, and a direct negotiation was set on foot in the autumn of 1861.

But in the middle of the summer of 1862 it appeared to Her Majesty's Government that the negotiation, instead of producing a settlement, had tended more and more towards bitterness and strife, leading probably in the end to a rupture.

You may remember that in speaking to you at Brussels in the beginning of September, when I was proceeding to Germany in attendance upon Her Majesty, I pointed out to you this state of things, and gave you an outline of the mode of settlement which had occurred to me. That mode of settlement was developed in my despatch of September 24, which you were charged to take to Copenhagen on your return to that capital.

Had that mode of settlement been adopted by the Danish Government, it is probable that a Normal Budget sufficient for the ordinary wants of the Monarchy would have been voted for ten years by Denmark, Schleswig, Holstein, and Lauenburg. The sums thus voted would have been

expended under the direction of a Council, composed two-thirds of Danish and one-third of German members.

Germany could have had no right to interfere in these internal arrangements of the Danish Monarchy, and it is probable that at the end of ten years the passions excited would have calmed down, and the dispute would have been forgotten in the general contentment.

It has not pleased the Danish Government to take this course. The Danish Government has a perfect right to refuse this proposition of Great Britain, which was made in the most friendly spirit towards Denmark.

But the Government of Great Britain, while upholding the integrity and independence of Denmark, must still maintain that there are certain engagements of the King of Denmark which he is bound in honour to fulfil. Count Manderström, however favourable to the Danish Government, admits that Denmark has not yet fulfilled her engagements to place her German on a footing of equality with her Danish subjects. Her Majesty's Government must add, that it is not for the interest any more than it is for the reputation of the King to place his German subjects in a situation inferior to that of his subjects of Danish origin, either as to privilege or as to favour.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Mr. Paget.[1]

Foreign Office, January 21, 1863.

Sir,—It may be convenient to you to have in your possession a Memorandum relating the progress of the questions still pending between Denmark and Germany since the beginning of the year 1861.

[1] Similar despatches were addressed to Earl Cowley, Lord Bloomfield, and Mr. Buchanan.

The principal despatches referred to—stating, on the part of Austria, Prussia, and Denmark, their respective claims, together with the despatches which have proceeded from Her Majesty's Government—will be laid before Parliament at the commencement of the session.

I am, &c.

(Signed) RUSSELL.

MEXICO.

Sir C. Wyke to Lord J. Russell.

(*Received September 29.*)

Mexico, August 27, 1861.

My Lord,—During the past month the position of affairs has not materially changed in this country, where the hatred and contempt felt for the Government seem daily to increase. Murders and robberies continue to be perpetrated with the greatest impunity, and the precincts of a Legation have not saved the French Minister from an attack on his life, as already reported to your Lordship in a former despatch.

On the 3rd instant the diligence arrived from Pachuca containing a wounded Frenchman, who subsequently died, and the dead body of poor Mrs. Chawner, a pretty young Englishwoman of only twenty-four years of age, who, with her husband, was coming to Mexico from the mines of Real del Monte, where he has been employed for some time past as a labourer. They were attacked by robbers at about six leagues from this city, who having been beaten off by the other passengers, have not again been heard of. Since then, an Englishman of the name of Mathews has been stabbed in one of the most frequented streets of this capital, and other foreigners have been similarly assaulted, but no fur-

ther deaths have occurred that I am aware of. In all these cases the assailants have come off with perfect impunity, and the Government has not even had the decency to express regret for these outrages, which they are apparently unwilling or unable to prevent.

A more disgraceful state of things than that now existing here it is impossible to conceive in any country pretending to call itself a civilised nation. Mrs. Chawner was the daughter of Stephen Bennett, who was murdered at Pachuca in the month of April last.

General Ortega, who at the head of a considerable force has for the last two months been vainly endeavouring to put down the rebellion, at length surprised Marquez at Jalatlaco on the night of the 12th or 13th instant, when he succeeded in capturing some guns, and making seventy or eighty prisoners, Marquez escaping in the confusion, with the rest of his forces.

Instead of following up his success, Ortega immediately returned to Mexico, and thus left Marquez at liberty to re-organise his defeated troops and effect a junction with Mejia, and they both now hold their old position with between 6,000 and 7,000 men.

The friends of Ortega have taken advantage of his pretended success to bring him forward as a candidate for the Presidency, and as all parties are thoroughly disgusted with Juarez, it is not improbable that they may succeed if any legal means can be found of getting rid of the latter. Congress has been summoned to meet on the 30th, when, doubtless, some effort will be made in the sense indicated.

In the meantime, Don Ignacio Comonfort, ex-President of the Republic, has arrived at Monterey, and is supposed to be intriguing with Doblado, Vidaurri, and several other Governors of States in that part of the country, to put himself at the head of a coalition which would be strong enough, could Marquez and Mejia, as Chiefs of the Re-

actionary party, be got rid of, to upset Juarez and counteract Ortega. Many people assert that Doblado, who is Governor of Guanajuato, and as such at the head of 8,000 men, is working for himself, and using Comonfort as a tool; but, I believe, nobody here knows really what is going on, except that all feel certain that something is about to occur, for the present state of things cannot last much longer.

The civil war now raging, and the weakness of the Government, have encouraged the Indian population to rise against the whites at Ixmiquilpam, about twenty leagues from here, where they have committed dreadful atrocities, thus adding a new element of discord and misery to those already existing. This movement, if not at once checked, may lead to terrible results, as the immense majority of the inhabitants of this Republic belong to the Indian race, which if properly led, is quite strong enough utterly to exterminate the degenerated and vitiated descendants of the old Spanish conquerors.

The tax on capital now being levied, of which I have treated in a separate despatch, has only tended still further to discredit the Government and increase the number of its enemies, as nobody now can tell when he may not be called on to supply the necessities of an Administration which is as rapacious as it is dishonest and incapable.

The Decree of the 17th ultimo has had the effect of paralysing all business at Vera Cruz, where the merchants refuse to remove their goods from the Custom-house, and the Government is thus deprived of the duties which they expected to obtain free from any encumbrance.

All the respectable classes look forward with hope to a foreign intervention as the sole means of saving them from ruin, and preventing a dissolution of the Confederation, as well as a general rising of the Indians against the white population. If either Great Britain or France adopt coer-

cive measures to obtain redress for the violation of the Conventions, and the many other grievances we have to complain of, then the moderate party may take courage and be able to form a Government which would afford some hope for the future; but without such moral support and assistance they are afraid to move, and will remain the victims of the two contending factions, whose dissensions have already caused so much misery and bloodshed.

I have, &c.

(Signed) C. LENNOX WYKE.

Earl Russell to Earl Cowley.

(Extract.) Foreign Office, September 30, 1861.

To forcible interference in the internal affairs of an independent nation Her Majesty's Government are, on principle, opposed. It remains to be considered whether Mexico forms an exception to the general rule.

Undoubtedly, in regard to the evils to be remedied, few cases of internal anarchy, bloodshed, and murder can exceed the atrocities perpetrated in Mexico. But, on the other hand, there is no case in which a remedy by foreign interference appears so hopeless.

The contending factions are spread over a vast extent of country; they do not obey any one, two, or three Chiefs, but are split into fragments, each of which robs, pillages, and murders on its own account. No foreign army would be likely to establish any permanent or pervading authority over these scattered bodies.

In the next place, the Spanish troops, which form the most available force for the occupation of any forts or positions which may be taken, are peculiarly an object of dislike and apprehension to one of the two parties which divide the country. This dislike arises from a fear that the power of a dominant Church might be restored, with the

abuses and religious intolerance which accompany it. For opposite reasons, British interference would be just as odious to the Church party.

I may add to these reasons, the universal alarm which would be excited, both in the United States and in the Southern States, at the contemplation of European interference in the domestic quarrels of an American independent Republic.

Without at all yielding to the extravagant pretensions implied by what is called the Monroe doctrine, it would be, as a matter of expediency, unwise to provoke the ill-feeling of North America, unless some paramount object were in prospect, and tolerably sure of attainment.

The Spanish Government are of opinion that the successful action of Great Britain, France, and Spain to enforce their just demands, would induce the Mexicans to institute a Government more capable than any which has lately existed, to preserve the relations of peace and friendship with foreign Powers. Should such be the indirect effect of naval and military operations, Her Majesty's Government would cordially rejoice; but they think this effect is more likely to follow a conduct studiously observant of the respect due to an independent nation, than to be the result of an attempt to improve by foreign force the domestic institutions of Mexico.

Earl Cowley to Earl Russell.

(*Received October* 3.)

(Extract.) Paris, October 2, 1861.

M. Thouvenel having been in the country when I received your Lordship's instructions to communicate to him your despatch of the 27th ultimo, containing an account of a conversation which you had had with Mr. Adams on the affairs of Mexico, and the views of Her

Majesty's Government as to the course which should be pursued, I sent him a copy of it.

An opportunity for seeing him did not occur until to-day, and I had in the meantime received your Lordship's despatch of the 30th ultimo, relating to the employment of a foreign force in that country, which I read to his Excellency before our conversation commenced.

M. Thouvenel said that he had made no proposal to impose, or to influence by an armed force, an arbitration in the internal affairs of Mexico. He had thought it very likely that the employment of force for those legitimate purposes which the British and French Governments had in view might encourage the well-disposed part of the Mexican people, who might feel the gall of the yoke to which they were subjected, to profit by the moment to throw it off, and to substitute something better in its place; and he must confess that, should such turn out to be the case, he did not see why a movement of the kind, if it proved to be decidedly popular, should not receive the support of the Powers who had come to Mexico to seek from an acknowledged bad Government redress for injuries done to their subjects, and for violated engagements towards themselves.

While, therefore, partaking in principle your Lordship's views, and admitting the inexpediency of forcible interference in the internal affairs of an independent nation, he drew a distinction between forcible interference and the indirect encouragement arising out of the presence of forces called to those shores for other purposes, given to the Mexican people to emerge from an odious tyranny.

Earl Russell to Earl Cowley.

Foreign Office, October 5, 1861.

My Lord,—I have to acquaint your Excellency that the Queen is prepared to enter into a Convention with France and Spain, the object of which would be to secure the fulfilment by the Government of Mexico of its obligations towards the respective Governments, and to obtain redress for injuries done in Mexico to their respective subjects.

In the opinion of Her Majesty's Government it would be proper to insert in any such Convention a stipulation providing that the forces of the Contracting Parties shall not be employed for any other objects than those which I have specified, and especially that they shall not interfere with the internal government of Mexico.

Her Majesty's Government consider that the Government of the United States should be invited to adhere to any such Convention; but they would not think it necessary that, in anticipation of meeting with the concurrence of the United States, the three Powers should defer the commencement of the contemplated operations against Mexico.

If the Government of the Emperor should be willing to enter into such a Convention as I have described, a draft of it shall forthwith be sent to your Excellency, for communication to M. Thouvenel.

I have directed Sir John Crampton to make a similar overture to the Spanish Government.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Sir C. Wyke.

Foreign Office, April 1, 1862.

Sir,—Her Majesty's Government entirely approve the Convention signed by Count Reus and General Doblado at La Soledad on February 19, and of which the particulars are given in your despatch of February 22 last.

Her Majesty's Government had some doubts as to the policy of allowing the Mexican flag to be hoisted in the city and citadel of Vera Cruz; but as I observe you say that the allies retain military occupation and possession of both, Her Majesty's Government are not disposed to object to that Article.

Her Majesty's Government are glad to perceive that all the allied Commissioners agreed to ratify the Convention.

This Convention will, it is to be hoped, dispel the fears entertained that the allies intended to interfere in the internal affairs of Mexico, and which, it must be admitted, was too much countenanced by the imprudent language held regarding the 'regeneration of Mexico.'

It is to be hoped that this error will not be repeated. The Mexicans alone are the fit judges of the form of government suited to their position, and calculated to ensure their welfare.

I am, &c.
(Signed) RUSSELL.

Earl Russell to Sir C. Wyke.

(Extract.) Foreign Office, April 1, 1862.

I have to state to you that Her Majesty's Government have no wish to establish a foreign Protectorate in Mexico, or to send troops thither for that purpose.

Such a Protectorate, though undertaken with the most

benevolent views, would soon become odious to the people of Mexico, and might be engaged in a conflict with one or other of the political parties which divide that country.

Her Majesty's Government trust, as you have well expressed it in your despatch of February 23, that Mexico, under the administration of General Doblado, will be able to right itself. Her Majesty's Government desire nothing better.

Earl Russell to Earl Cowley.

Foreign Office, April 2, 1862.

My Lord,—I transmit to your Excellency herewith, copies of the despatches which I have received by the last mail from Sir Charles Wyke, reporting proceedings up to March 1, and copies of two despatches which I have addressed to him in reply.

Your Excellency will see that Her Majesty's Government approve of the Articles of Agreement entered into by General Prim with General Doblado, and subsequently accepted by the allied Commissioners at Vera Cruz on the one hand, and by the Mexican Government on the other.

Her Majesty's Government have been influenced in this respect by the following considerations:—

1st. The Articles contain a distinct disclaimer of an intention on the part of the allied Powers to interfere in the internal affairs of Mexico, and therefore not only renounce the pretension to do so which was in the first instance injudiciously put forward by the allied Commissioners as the main object of the expedition, but record again the determination of the three Powers set forth in the Tripartite Convention of October 31 last, 'not to exercise in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to

choose and to constitute freely the form of its Government.'

2ndly. Because the Articles not only put a stop to measures against Mexico partaking of the character of active hostility, and replace the questions between the allies and the Mexican Government on the footing of the Convention, by which redress of past wrong, and security against a renewal of wrong by means of negotiation, or by measures of coercion and occupation short of active conflict, were contemplated, but also provide for the health of the allied troops, which appears to have already severely suffered. Further losses by disease would probably have placed them in a very critical position. They might have had to contend, not only with active hostility on the part of the Mexican forces, but with the still more dangerous enmity of a climate becoming more pestilential as the season advanced. Nor does it appear that the troops, in case of hostilities, are to return to Vera Cruz. They are to return only to the opening of the defiles which are the chief defence of the city of Mexico, with the advantage of knowing the ground, and the best mode of carrying the entrenchments by force.

Lastly. Her Majesty's Government have had less hesitation in approving the Agreement entered into by General Prim, inasmuch as it appears that the consent of the Commissioners to allow the Mexican flag to be displayed on the forts of Vera Cruz and of San Juan d'Ulloa does not involve a joint Mexican occupation of those positions, which remain, on the contrary, under the exclusive military authority and control of the allied forces.

Her Majesty's Government trust that, as the errors which marked the first proceedings of the allied Commissioners will no longer stand in the way of an adjustment of the points that it was the real object of the Convention of October 31 to secure, a satisfactory agreement on those

points may shortly be arrived at, and in that case no further measures of coercion against Mexico will become necessary. We may thus obtain, by negotiation, an occupation of the ports, and such guarantees as were originally contemplated by the allies in the Convention of October 31, as a necessary security for the due fulfilment by the Mexican Government of the conditions to which they might be brought to agree.

I am, &c.
(Signed) RUSSELL.

Earl Cowley to Earl Russell.

(*Received April* 3.)

Paris, April 2, 1862.

My Lord,—I have the honour to inclose herewith to your Lordship, extracted from the 'Moniteur' of this day, a paragraph from the 'Bulletin,' denying that the Imperial Government had demanded the recall of General Prim from Mexico, and stating that they had merely disapproved of the Convention concluded by him and accepted by the allied Plenipotentiaries, and that M. de Saligny had consequently been entrusted, alone, with the full powers which had been given to Admiral Jurien.

I have, &c.
(Signed) COWLEY.

Earl Russell to Sir J. Crampton.

Foreign Office, April 10, 1862.

Sir,—It would seem from your telegram of the 9th instant that the French Ambassador at Madrid has alluded to a report to the effect that Her Majesty's Government disapproved of the Agreement commonly called the Convention of Soledad, entered into by the Commissioners of the Allied Powers and the Mexican Government; and

that the French Ambassador at Madrid is also under the impression that the Spanish Government likewise disapproves of it.

Marshal O'Donnell, on the contrary, assures you that so far from that being the case as regards the Spanish Government, that Government, although it would have wished that some of the provisions of the Agreement had been otherwise worded, yet on the whole approved of it; and the Spanish Chargé d'Affaires has, indeed, read to me a despatch to General Prim to that effect.

On the other hand, as you will have seen by my telegram of the 2nd instant and of this day, Her Majesty's Government agree substantially in the view taken of the Agreement by the Cabinet of Madrid; they consider that the Agreement replaces matters on the footing set forth in the Convention of October 31, and rectifies the false step taken at the outset, by the Commissioners of the Allied Powers, in assuming that the regeneration of Mexico was the main object of the expedition, rather than the reparation of wrongs done by Mexico to the subjects of the allies in their persons and properties.

I have stated in the despatch to Earl Cowley of which I inclose a copy, the above among other grounds on which Her Majesty's Government have approved of the Agreement entered into by the Commissioners and the Mexican Government. Her Majesty's Government desire to adhere strictly to the terms of the Convention of October 31, and they trust that a stable Government, willing and able to respect international engagements, may be established in Mexico without any interference on the part of the Allied Powers either to set it on foot or to uphold it.

Since beginning this despatch I have seen Señor Gonzalez, the new Minister from Spain, who also assures me that the Soledad Convention and the conduct of General Prim are approved by his Government.

He added that he trusted the Spanish and British Governments would act in entire accordance in Mexico, in which sentiment I cordially concurred.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Earl Cowley.

Foreign Office, April 12, 1862.

My Lord,—I have to state to your Excellency, that I have had some conversation with the Secretary of Legation of the Spanish Mission, then Chargé d'Affaires, on the state of affairs in Mexico, and the prospects of Monarchy in that country.

He told me there were some among the higher class in the great towns who were in favour of Monarchy, seeing how quiet and orderly had been the state of Brazil. But the great body of the middle classes, amounting to about 2,000,000, were strongly attached to Republican institutions. The remainder of the population, of 5,000,000, were chiefly Indians, were in the lowest state of ignorance, and scarcely knew that the old dominion of Spain had ceased to exist.

The Spanish Minister, Señor Gonzalez, who has lately arrived, tells me that the Spanish Government wish to respect the wishes of the Mexicans, whatever they may be. He believed that a Monarchical party in Mexico scarcely existed; he had seen a letter from Vera Cruz when he was passing through Paris, which affirmed that Almonte had not been joined by any one, and that as for the Archduke, he was not spoken of at all.

He admitted that the Mexican emigrants at Paris believed in the possibility of a Monarchy, but it was, he said, altogether an illusion, and had no root in the attachments or ideas of the Mexican people.

I am, &c.

(Signed) RUSSELL.

UNITED STATES.

Earl Russell to Mr. Adams.

Foreign Office, November 3, 1865.

Sir,—Her Majesty's Government have duly considered your letter of September 18, and, however unwilling I may be to prolong this discussion, I find it absolutely necessary to clear up some misconceptions as to the course and conduct of Great Britain during the recent contest in America.

I do not consider it incumbent upon me, however, to repeat or enlarge upon my arguments in reference to the alleged precipitate recognition of belligerent rights, or the contrast you draw between the conduct of Her Majesty's Government in the late civil war and that of France during the American war of independence.

The existence of belligerent rights is, as Mr. Canning said, a question of fact rather than of opinion, and if the fact of a vast insurrection is developed suddenly, rapidly, and completely, the case must, I conceive, be treated by other nations in a different manner from the case of a rebellion breaking out partially, slowly, and gradually.

Nor, do I conceive, is it necessary to point out the difference between the conduct of France acknowledging the United States of America as an independent State, and forming Treaties with the Government of that State within two years of the declaration of independence, and the patient neutrality of Great Britain, notwithstanding the interruption of her commerce and the immense losses suffered by her people during four years, and until victory had declared in favour of the Government against which the insurrection was directed.

I cannot forbear, however, to express some surprise at the apparent confidence you express that Her Majesty's

Government will acquiesce in a doctrine which the United States during more than thirty years declared to be opposed to the law and practice of nations, and that Her Majesty's Government will grant reparation on grounds which, when urged by Portugal in a similar case, the United States, positively, constantly, and solemnly rejected.

Thus I find that in November 1850 the Portuguese Minister at Washington,[1] in an able summary of the Portuguese claims, after relating that upwards of sixty Portuguese vessels had been captured or plundered; that the fitting out at Baltimore of the privateers which effected their capture was notorious, and that many leading citizens of Baltimore, including the Sheriff and Postmaster, were summoned before the courts as interested in those privateers, adds, 'The Undersigned begs leave to say, and he submits that it was the duty of the United States' Government to exercise a reasonable degree of diligence to prevent these proceedings of its citizens, and that having failed to do so, a just claim exists on the part of the Government of Portugal, in behalf of its despoiled subjects, against the United States for the amount of the losses sustained by reason thereof.'

But did the United States admit the claim thus courteously preferred? I cannot find that even any reply was returned to the Portuguese Minister.

Probably the United States' Government relied on the answers which from 1816 to 1822, and from 1822 to 1828, had been given to the Ministers of Portugal.

These answers were, in substance, that prosecutions would be instituted if evidence were forthcoming. Thus, in reply to a letter of the Portuguese Minister of Decem-

[1] The Portuguese Minister at Washington to the United States' Secretary of State, November 7, 1850.

ber 11, 1818, respecting John Daniels, the supposed commander of a privateer, Mr. John Quincy Adams says:—[1]

'The Attorney of the United States for the district of Maryland, under instructions from this Department, will commence a prosecution against him, if *evidence shall appear sufficient for convicting him of having violated the laws of the United States, by outrages committed upon any of the subjects of Portugal.*

'I have the honour of giving you this notice in reference to your letter above-mentioned, and of requesting you to give directions that any testimony which may be material for the commencement of a prosecution, and which it may be in your power to indicate, may be made known to Elias Glenn, the District Attorney of the United States at Baltimore, who is directed to prosecute conformably to the laws any person *against whom the evidence obtainable shall be sufficient to warrant his conviction.*'

Exactly similar to this conduct on the part of your Government has been the conduct of Her Majesty's Government in the late war. In the case of the 'Alabama,' I asked for evidence sufficient to obtain a verdict, and as I could not myself judge of the sufficiency of the evidence you tendered, I referred the question to the Law Officers of the Crown.

If it is asserted that I did not use reasonable diligence, or that the late and the present Attorney-General were either ignorant of the law, or purposely mis-stated it, I can only respectfully but decidedly repel any such charge, both for myself and for the Law Officers of the Crown.

Yet, although our conduct has been precisely similar to that of your own Government to Portugal, you now draw an alarming picture of the consequences which may arise from such conduct: 'For,' you say, 'if it be once fairly

[1] The United States' Secretary of State to the Portuguese Minister at Washington, April 22, 1819.

established as a principle of the international code, that a neutral Power is the sole judge of the degree to which it has done its duty, under a code of its own making, for the prevention of gross and flagrant outrages, initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects, and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it has attempted as an excuse, and thenceforward claim, with justice, to be released from the inevitable consequences that must ensue from its inaction, then it must surely follow that the only competition between neutral Powers hereafter will be, not which shall do the most, but which shall do the least to fulfil its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts that take place between belligerents on the ocean.'

Yet, as far as I can judge, your Secretaries of State always maintained that the United States as a neutral Power were 'the sole judges of the degree in which it had done its duty under a code of its own making.'

But now as to the code. I fully admit that the Laws of Congress of 1817 and 1818 differ from the Act of 1794. The chief difference appears to me to lie in the provision that, besides Princes and States specified in the Act of 1794, the Act of 1818 extends to 'colony, district, or people.'

But so does, in other words, our Act of 1819. There are other differences, however, and to these I suppose you allude.

But, for the reasons which I proceed to state, these other differences (of which I did not lose sight while

stating in my former letter that the main provisions of the Act of Congress of 1818 had been adopted in our legislation of 1819, so far as they were considered applicable to the circumstances of this country) have never appeared to Her Majesty's Government to be of any very material importance.

The 10th section of the Act of Congress of April 20, 1818, requires bonds to be given 'by the owners or consignees of *every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof*,' in double the value of the ship and cargo, against the employment of such ship or vessel, 'by such owners,' to cruise or commit hostilities against the subjects, &c., of any Province or State with whom the United States are at peace.

The 11th section of the Act of Congress of April 20, 1818, is in these words: 'And be it further enacted, that the collectors of the Customs be, and they are hereby respectively authorised and required, to detain any vessel *manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war*, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign Prince or State, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this Act.'

Now I contend, first, that for ten years these provisions proved utterly inefficacious to prevent the fitting out of privateers at Baltimore, as shown by the fact that the

complaints of the Portuguese Ministers of captures and plundering by American privateers were more frequent, and extended to a larger amount of property after 1818, than they had done from 1816 to 1818.

But, secondly, I observe that the 10th section applies only to vessels which are already armed before they sail out of the ports of the United States, and which belong (wholly or in part) to United States' citizens; and the security taken under this section is only against their employment 'by such owners' to cruize, &c., leaving those owners at liberty, without forfeiting their bonds, to transfer the vessels to others, who might afterwards so employ them. The 11th section applies only to vessels 'manifestly built for warlike purposes,' and 'of which the cargo shall principally consist of arms and munitions of war,' and I think it is quite clear that had we so amended our law, and had it been found applicable in any cases, the owners of the vessels might easily have given the bonds required, and might as easily have sent their vessels to sea, forfeiting or not forfeiting, as the event might have turned out, the amount of their bonds. The great armies equipped and fed by the Confederates; their vast magazines; the money advanced for the Birkenhead rams, show conclusively that, if Her Majesty's Government had relied on such provisions as the 10th and 11th sections of the Act of Congress, many vessels, probably including the rams at Birkenhead, would have escaped and have been employed in breaking the blockade of Charleston and other Southern ports. Be that as it may, however, these provisions of the Act of Congress clearly would not be applicable to the 'Alabama,' 'Florida,' 'Georgia,' 'Shenandoah' and vessels of that class; none of which, when they left this country, were either 'armed ships or vessels,' or had on board any cargo, consisting 'principally' (if at all) 'of arms and munitions of war,' neither would they have been applicable to the ships

which carried out arms, &c., to those vessels, but which were themselves neither armed nor 'intended to be employed by the owner or owners to cruize or commit hostilities.' If, therefore, such provisions had been contained in the British Statute, they would have proved simply nugatory, and would have added nothing in any of the cases which have actually happened to the powers of prevention given by the Act as it stands.

In that case, what would have been our position? We should have been reproached more than ever in America for the insincerity of our proceeding, and our inactivity in executing our own law. Results would have been appealed to, as you appeal to them in the letter to which I am now giving an answer.

In the case of 'the Birkenhead rams,' we had first the evidence, in their construction itself, that they were built for warlike purposes; next a copy of the contract by which Mr. Bullock, the Confederate agent, agreed to sell these vessels to M. Bravay; next the proof that their Egyptian names, &c., were only a fiction, the Viceroy of Egypt having positively refused to buy them. Those and other circumstances amounted to a presumptive proof that those formidable vessels were intended for the purpose of making war on the United States. You are already aware of the conduct of the Government when they had, as in this instance, a case upon which they could proceed.

On the other side, take the case of the 'Sea King.' She was a merchant-ship, unarmed, which went from the Thames to a foreign port. Our Foreign Enlistment Act, like yours, requires two things to be proved: First, that the vessel is fitted out, armed, or equipped for warlike purposes. But, secondly, it is not enough to prove that the vessel is fitted out, armed, or equipped for purposes of war. The warlike intent must be directed against some

Prince or State in friendly relations with the Crown of Great Britain. Now, on neither of these points did you furnish us, nor did we possess, a tittle of evidence against the 'Sea King.' Yet you hold us responsible for all the depredations she may have committed on the high seas!

It must not be forgotten that in a free country the Crown cannot act upon mere vague suspicion, without some evidence to submit to a jury; and that trial by jury affords to British subjects the same protection which, in an ordinary state of peace, American citizens enjoy in your own country.

Her Majesty's Government desire to be on the most friendly terms with the United States, but are not prepared to accede to any demand which aims at the diminution of our freedom, or which assumes, without warrant from any previously recognised authority or practice, the existence of an extent of obligation on the part of neutrals towards belligerents, going beyond any which the Government of a free country could have power, though acting with entire good faith, punctually to fulfil.

Yet it appears to me, I confess, that as neither the Law of the United States nor our own Foreign Enlistment Act have proved upon trial completely efficacious, it is worth consideration whether improvements may not be made in the Statutes of both nations, so that, for the future, each Government may have in its own territory as much security as our free institutions will permit against those who act in defiance of the intention of the Sovereign and evade the letter of its laws.

I have the honour to inclose a Memorandum in regard to our own conduct during the American War in reference to a passage in your letter (Inclosure No. 1), and a second Memorandum showing in what manner your various complaints during the recent Civil War have been disposed of (Inclosure No. 2).

I have, in conclusion, only to repeat, in this the last letter which I shall have the honour to address to you on this subject, my sincere and earnest hope that our two countries, now both relieved from the stain and the guilt of slavery, may perform their part in the world in peace and good-will.

I am, &c.

(Signed) RUSSELL.

THE END.

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

00027439

Digitized with financial assistance from the
Government of Maharashtra
on 05 April, 2016